

**THESE MINUTES ARE DRAFT UNTIL CONFIRMED AT THE NEXT MEETING OF THIS COUNCIL AND/OR COMMITTEE**

**MINUTES OF ORDINARY COUNCIL MEETING OF THE  
COUNCIL OF THE CITY OF RANDWICK HELD ON  
TUESDAY, 28 MARCH 2017 AT 6:07PM**

**Present:**

The Mayor, Councillor N D'Souza (Chairperson) (South Ward)

Councillor B Roberts (from 6.23pm) (Deputy Mayor) (East Ward)

- |              |  |
|--------------|--|
| North Ward   | - Councillors K Neilson, L Shurey & K Smith                  |
| South Ward   | - Councillors R Belleli & P Garcia                           |
| East Ward    | - Councillors T Bowen (from 6.20pm) & M Matson               |
| West Ward    | - Councillors G Moore, S Nash & H Stavrinou                  |
| Central Ward | - Councillors A Andrews (from 6.24 pm), T Seng & G Stevenson |

**Officers Present:**

General Manager	Mr R Brownlee
Director City Services	Mr J Frangoples
Director City Planning	Ms S Truuvert
Director Governance & Financial Services	Mr J Smith
Manager Administrative Services	Mr D Kelly
Manager Development Assessment	Mr K Kyriacou
Communications Manager	Mr J Hay

**Prayer & Acknowledgement of Local Indigenous People**

The Council Prayer was read by Cr Seng. The Acknowledgement of Local Indigenous People was read by Cr Matson.

**Apologies/Granting of Leave of Absences**

Nil.

## Confirmation of the Minutes

### **CONFIRMATION OF THE MINUTES OF THE ORDINARY COUNCIL MEETING HELD ON TUESDAY 28 FEBRUARY 2017**

38/17

**RESOLUTION: (Smith/Shurey)** that the Minutes of the Ordinary Council Meeting held on Tuesday 28 February 2017 (copies of which were circulated to all Councillors) be and are hereby confirmed as a correct record of the proceedings of that meeting, subject to Cr Belleli's declaration of a non-significant non pecuniary interest for the item concerning 47 Maroubra Road, Maroubra being added to the minutes.

### **Declarations of Pecuniary and Non-Pecuniary Interests**

- a) Cr Shurey declared a non-significant non pecuniary interest in Item CP17/17 as she is a member of the 'Friends of Malabar Headland' who made a submission on this matter.
- b) Cr Neilson declared a non-significant non pecuniary interest in Item CP11/17 as she knows some of the objectors on this matter and the site is in close proximity to a former ALP Councillor.
- c) Cr Neilson declared a non-significant non pecuniary interest in Item CP13/17 as she knows the applicant, who is a former ALP Councillor.
- d) Cr Neilson declared a non-significant non pecuniary interest in Item CP14/17 as the applicant's architect went to the same school as her daughter.
- e) Cr Neilson declared a non-significant non pecuniary interest in Item NM20/17 as she knows some of the objectors on this matter.
- f) Cr Neilson declared a non-significant non pecuniary interest in Item NR4/17 as she knows some of the objectors on this matter.
- g) Cr Belleli declared a non-significant non pecuniary interest in Item NR4/17 as he and his wife's performing arts school has previously performed free of charge at the Coogee Family Fun Day.
- h) Cr Smith declared a pecuniary interest in Item NR4/17 as his employer is in the liquor industry. Cr Smith will be taking no part in the debate or voting on this matter.
- i) Cr Matson declared a non-significant non pecuniary interest in Item CP17/17 as he knows members of the 'Friends of Malabar Headland' who made a submission on this matter.
- j) Cr Andrews declared a non-significant non pecuniary interest in Item CP13/17 as he is knows the applicant as he is a former Mayor.
- k) Cr Bowen declared a non-significant non pecuniary interest in Item CP13/17 as the applicant is known to him.
- l) Cr Bowen declared a non-significant non pecuniary interest in Item CP11/17 as he knows some residents who live in the street.
- m) Cr Belleli declared a non-significant non pecuniary interest in Item CP17/17 as one of the unsuccessful grant applicants works for his company.
- n) Cr Belleli declared a non-significant non pecuniary interest in Item NR5/17 as he lives in an adjacent street to this development application.
- o) Cr Garcia declared a non-significant non pecuniary interest in Item CP12/17 as one of the objector's children attends the same school as his children.
- p) Cr Moore declared a pecuniary interest in Item GM3/17 as his employer owns property on this site. Cr Moore will be taking no part in the debate or voting on this matter.

**Address of Council by Members of the Public**

Prior to consideration of the Agenda by the Council, deputations were received in respect of the following matters:

CP11/17 11 HOOPER STREET, RANDWICK (DA/907/2015) (DEFERRED)

**Objector** Ms Adina Jozsef

**Applicant** Mr Anthony Betros (on behalf of applicant)

CP12/17 5 EDGECLIFFE AVENUE, SOUTH COOGEE (DA/419/2016) (DEFERRED)

**Objector** Ms Jodi Sweeney

**Applicant** Mr Craig Taylor (on behalf of applicant)

CP14/17 4 CONWAY AVENUE, RANDWICK (DA/629/2016)

**Objector** Ms Georgia Papaioannou

**Applicant** Ms Georgina Wilson (on behalf of applicant)

CP17/17 CULTURAL AND COMMUNITY GRANTS PROGRAM - RECOMMENDED ALLOCATIONS - MARCH 2017

**Against** Mr David Pyett

CP18/17 CBD AND SOUTH EAST LIGHT RAIL (CSLER) STOP NAMES

**Against** Mr Zac Morrison

NM16/17 NOTICE OF MOTION FROM CR MATSON - USE OF NON-REGULATORY COUNCIL FUNCTIONS FOR POWER BILL RELIEF

**For** Mr Robert Rosen

NM20/17 NOTICE OF MOTION FROM CR ROBERTS - COOGEE BEACH VOLLEYBALL EQUIPMENT STORAGE BOX

**For** Mr Blake Bentley

NR3/17 NOTICE OF RESCISSION MOTION SUBMITTED BY CRS MATSON, ANDREWS AND SENG - BOTANY CEMETERY EXPANSION PROPOSAL

**Against** Mr Jayasooriah

**For** Mr Chris Ingrey

**For** Mr Tony Simpson

NR4/17 NOTICE OF RESCISSION MOTION SUBMITTED BY CRS ANDREWS, ROBERTS AND STAVRINOS - TEMPORARY ALCOHOL BAN AT DUNNINGHAM AND GOLDSTEIN RESERVES, COOGEE

**Against** Mr Indiana Bisley

**For** Mr Dave Tracey

NR5/17 NOTICE OF RESCISSION MOTION SUBMITTED BY CRS ANDREWS, ROBERTS, SENG AND STAVRINOS - 47 MAROUBRA ROAD, MAROUBRA (DA/650/2016)

**For** Mr Anthony Betros

The Meeting was adjourned at 8.11pm and was resumed at 8.28pm.

**RESOLVED (PROCEDURAL MOTION): (Smith/Stavrinos)** that all matters that were the subject of addresses to Council by members of the public be brought forward for immediate consideration.

### Mayoral Minutes

#### MM7/17 Mayoral Minute - Randwick Boys and Girls High Schools - Request for Financial Assistance (F2017/07396)

39/17

**RESOLUTION: (Mayor, Cr N D'Souza)** that:

- a) Council donates \$4,000.00 to the Randwick Girls' and Boys' High Schools for the combined production to be held at NIDA in August 2017, such funds to come from the 2017-18 Contingency Fund budget; and
- b) the Schools undertake to appropriately and prominently promote Council's sponsorship of the event.

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

#### MM8/17 Mayoral Minute - Rotary Police Awards - Additional Sponsorship Request (F2013/00087)

40/17

**RESOLUTION: (Mayor, Cr N D'Souza)** that Randwick City Council continues the sponsorship agreement with Rotary by contributing \$6,050.00 to their Rotary Police Awards program. In return the Randwick Council logo will be displayed on promotional material and Council will be acknowledged as a major sponsor on the night at the event to be held on 11 May 2017 at The Prince Henry Centre at Little Bay.

**MOTION: (Mayor, Cr N D'Souza) CARRIED - SEE RESOLUTION.**

### Urgent Business

Nil.

### Director City Planning Reports

#### CP11/17 Director City Planning Report - 11 Hooper Street, Randwick (DA/907/2015) (Deferred)

41/17

**RESOLUTION: (Andrews/Stavrinos) -**

- A. That Council supports the exception to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.4 of Randwick Local Environmental Plan 2012, relating to floor space ratio, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Environment be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 907/2015 for Demolition of the existing dwelling, construction of a part 2/part 3 residential flat building in 2

building forms containing 5 dwellings, basement car parking for 7 vehicles, landscaping and associated works (variation to floor space ratio control) at 11 Hooper Street, Randwick, subject to the following conditions:

#### **GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

#### **Approved Plans & Supporting Documentation**

1. The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA100 Rev B	Kvmzv Architecture	12 May 2016
DA102 Rev C	Kvmzv Architecture	4 March 2017
DA103 Rev C	Kvmzv Architecture	4 March 2017
DA105 Rev C	Kvmzv Architecture	4 March 2017
DA106 Rev C	Kvmzv Architecture	4 March 2017
DA110 to DA114 Rev C	Kvmzv Architecture	4 March 2017
DA200 to DA207 Rev C	Kvmzv Architecture	4 March 2017
DA301 to DA304 Rev C	Kvmzv Architecture	4 March 2017
DA401 to DA405 Rev C	Kvmzv Architecture	4 March 2017
DA601 to DA602 Rev A	Kvmzv Architecture	10 December 2015
DA701 to DA705 Rev C	Kvmzv Architecture	4 March 2017

<b>BASIX Certificate No.</b>	<b>Dated</b>
682295M	2 December 2015

#### **Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements, with details to be shown on construction certificate plans:
  - a. Bedroom 2 of Apartment 101 shall be increased in size to not less than 9m<sup>2</sup>, using floor area from adjoining rooms.
  - b. Operable high-level windows shall be installed within all north and south facing balcony doors to allow for secure ventilation of the interior of the apartments.
  - c. The metal rails of the frontage fencing and the whole of the gates shall be designed to be a minimum of 30% open.
  - d. A privacy screen with a height of 1.6m above the finished level of the walkway shall be installed along the western side of the western walkway for a length of 8m from the walkways southern edge.
  - e. A privacy screen with a height of 1.6m above the finished level of the walkway shall be installed along the eastern side of the eastern walkway from the walkways southern edge to the front wall line of building 'A'.
  - f. All privacy screens must be constructed with either:
    - Fixed lattice/slats with individual openings not more than 30mm wide;
    - Fixed vertical or horizontal louvres with the individual blades angled

and spaced appropriately to prevent overlooking into the private open space or windows of the adjacent dwellings.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Consent Requirements**

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

#### **External Colours, Materials & Finishes**

4. a) The colours, materials and finishes of the external surfaces are to be compatible with the existing building and adjacent development to maintain the integrity and amenity of the building and the streetscape.

External materials, finishes and colours of the building are required to match, as closely as possible, the existing building and any metal roof sheeting is to be pre-painted (e.g. Colorbond) to limit the level of reflection and glare.

- b) Details of the proposed colours, materials and textures (i.e. a schedule and brochure/s or sample board) are to be submitted to and approved the Council's Manager Development Assessments prior to issuing a construction certificate for the development.

#### **Section 94A Development Contributions**

5. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$2,203,366 the following applicable monetary levy must be paid to Council: \$22,036.60.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\mathbf{IDC = ODC \times CP2/CP1}$$

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick

or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

### **Long Service Levy Payments**

6. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

### **Security Deposit**

7. The following damage / civil works security deposit requirement must be complied with, as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$5000 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

### **Sydney Water**

8. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to a Sydney Water Quick Check agent, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

If suitable, the plans will be appropriately stamped. For details please refer to the Sydney Water web site at [www.sydneywater.com.au](http://www.sydneywater.com.au) for:

- Quick Check agents details - see *Building and Developing* then Quick Check and
- Guidelines for Building Over/Adjacent to Sydney Water Assets - see *Building and Development* then *Building and Renovating*, or telephone 13 20 92.

The Principal Certifying Authority must ensure that a Sydney Water Quick Check Agent has appropriately stamped the plans.

### **Street Tree Management**

9. The applicant must submit a payment of **\$1055.25** (including GST) to cover Council's costs for the following:

- a. To remove, stump-grind and dispose of the existing street tree, *Callistemon viminalis* (Bottlebrush) from the Hooper Street verge, to the west of the existing driveway, centrally across the width of the site, so as to accommodate the new, widened vehicle crossing just to its east as shown;
- b. To supply, plant and maintain 1 x 25 litre street tree, *Syzygium leuhmannii* (Small Leafed Lilly Pilly) back on the Hooper Street verge, an equal distance between the western edge of the new crossing and western site boundary at the completion of all works;
- c. A loss of amenity fee in recognition that the only reason this established native tree is being removed from public property is to accommodate the development of private property, and will be used towards the planting of additional street trees elsewhere in the street or surrounding area.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

**The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for removal of the street tree prior to the commencement of site works, as well as upon completion, to arrange for planting of the replacement.**

**After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6858.**

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Compliance with the Building Code of Australia**

10. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

#### **Design Alignment levels**

11. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like shall be;

- **Match the back of the existing footpath along the full site frontage.**

The design alignment level/s at the property boundary as issued by Council and their relationship to the footpath must be indicated on the building plans for the construction certificate. The design alignment level at the street



boundary, as issued by the Council, must be strictly adhered to.

Any enquiries regarding this matter should be directed to Council's Development Engineer on 9399 0881.

12. The above alignment levels and the site inspection by Council's Development Engineering Section have been issued at a prescribed fee of \$664 calculated at \$56.00 (inclusive of GST) per metre of site frontage. This amount is to be paid prior to a construction certificate being issued for the development.

#### **Driveway Design**

13. The gradient of the internal access driveway must be designed and constructed in accordance with AS 2890.1 (2004) – Off Street Car Parking and the levels of the driveway must match the alignment levels at the property boundary (as specified by Council). Details of compliance are to be included in the construction certificate.

#### **BASIX Requirements**

14. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

#### **Flood Management**

15. The proposed internal driveway shall be designed & constructed with a high point as detailed in the approved DA plans. Plans submitted for the construction certificate must also demonstrate compliance with this requirement.
16. Windows, vents and other openings into the basement carpark (excluding the driveway opening) are to be located at least 300 mm above the determined 1 in 100 year flood level. Details demonstrating compliance with this condition are to be included in the construction certificate documentation.
17. The ground floor level located at the rear of the site shall be designed to *structurally* withstand hydrostatic pressure/stormwater inundation from floodwater during the probable maximum flood (PMF) event as defined in the Floodplain Management Manual (New South Wales Government, January 2001). Structural Engineering certification confirming that this condition has been complied with shall be submitted to the certifying authority with the construction certificate.

This requirement does not necessitate the development being flood proof/water tight up to the PMF event, rather the requirement is to ensure that the development will not be *structurally* damaged in manner that could endanger lives during the PMF event.

18. The Stormwater Drainage System & Flood Mitigation measures shall be provided in general accordance with the Drainage plans by AKY Civil Engineering H01-H04 Revision B dated 2nd November 2015.

'For Construction' plans are to be prepared by a suitably qualified Hydraulic Engineer and submitted to and approved by the certifying authority prior to a construction certificate being issued for the development. A copy of the engineering calculations and plans are to be forwarded to Council, prior to a construction certificate being issued, if the Council is not the certifying authority. The drawings and details shall include the following information:

- a) A detailed drainage design supported by a catchment area plan, at a scale of 1:100 or as considered acceptable to the Council or an accredited certifier, and drainage calculations prepared in accordance with the Institution of Engineers publication, Australian Rainfall and Run-off, 1987 edition.
  - b) A layout of the proposed drainage system including pipe sizes, type, grade, length, invert levels, etc., dimensions and types of all drainage pipes and the connection into Council's stormwater system.
  - c) The separate catchment areas within the site, draining to each collection point or surface pit are to be classified into the following categories:
    - Roof areas
    - Paved areas
    - Grassed areas
    - Garden areas
  - d) Proposed finished surface levels and grades of car parks, internal driveways and access aisles which are to be related to Council's design alignment levels.
  - e) The details of any special features that will affect the drainage design eg. the nature of the soil in the site and/or the presence of rock etc.
19. The site stormwater drainage system is to be provided in accordance with the following requirements;
- a) The stormwater drainage system must be provided in accordance with the relevant requirements of Building Code of Australia and the conditions of this consent, to the satisfaction of the *Certifying Authority* and details are to be included in the construction certificate.
  - b) The proposed pump-out system must be provided with two pumps connected in parallel (with each pump being capable of discharging at the required discharge rate) and connected to a control board so that each pump will operate alternatively. The pump wet well is required to be sized for the 1 in 100 year, 2 hour storm assuming both pumps are not working. All pump-out water must pass through a stilling pit prior to being discharged by gravity to the kerb and gutter
- Pump-out systems must be designed by a suitably qualified and experienced hydraulic consultant/engineer and the pump-out system designed and constructed generally in accordance with Council's Stormwater Code.
- c) Generally all internal pipelines must be capable of discharging a 1 in 20 year storm flow. However the minimum pipe size for pipes that accept stormwater from a surface inlet pit must be 150mm diameter. The site must be graded to direct any surplus run-off (i.e. above the 1 in 20 year

storm) to the proposed drainage (detention/infiltration) system.

- d) A childproof and corrosion resistant fastening system shall be installed on access grates over pits/trenches where water is permitted to be temporarily stored.
- e) Any subsoil drainage must not discharge to the pump-out system
- f) Site discharge pipelines shall cross the verge at an angle no less than 45 degrees to the kerb line and must not encroach across a neighbouring property's frontage unless approved in writing by Council's Development Engineering Coordinator.

#### **Site Seepage & Groundwater**

20. The development must comply with the following requirements to ensure the adequate management of site seepage/groundwater:

- a) Seepage/ground water and subsoil drainage must not be collected & discharged directly or indirectly to Council's street gutter or underground drainage system
- b) Adequate provision is to be made for any seepage/ground water to drain around the basement carpark (to ensure the basement will not dam or slow the movement of the ground water through the development site).
- c) The walls of the basement level/s of the building are to be waterproofed/tanked to restrict the entry of any seepage, floodwaters and subsoil drainage into the basement level/s of the building.
- d) Sub-soil drainage systems may discharge via infiltration subject to the hydraulic consultant/engineer being satisfied that the site and soil conditions are suitable and the seepage is able to be fully managed within the site, without causing a nuisance to any premises and ensuring that it does not drain or discharge (directly or indirectly) to the street gutter.
- e) Details of the proposed stormwater drainage system including methods of tanking the basement levels and any sub-soil drainage systems (as applicable) must be prepared or approved by a suitably qualified and experienced Professional Engineer to the satisfaction of the Certifying Authority and details are to be included in the construction certificate. **A copy of the proposed method for tanking the basement levels must be forwarded to Council if Council is not the Certifying Authority.**

#### **Waste Management**

21. A Waste Management Plan detailing the waste and recycling storage and removal strategy for all of the development, is required to be submitted to and approved by Council's Director of City Planning.

The Waste Management plan is required to be prepared in accordance with Council's Waste Management Guidelines for Proposed Development and must include the following details (as applicable):

- The use of the premises and the number and size of occupancies.
- The type and quantity of waste to be generated by the development.
- Demolition and construction waste, including materials to be re-used or recycled.
- Details of the proposed recycling and waste disposal contractors.
- Waste storage facilities and equipment.
- Access and traffic arrangements.

- The procedures and arrangements for on-going waste management including collection, storage and removal of waste and recycling of materials.

*Further details of Council's requirements and guidelines, including pro-forma Waste Management plan forms can be obtained from Council's Customer Service Centre.*

22. The garbage room shall be sized to contain a total of 6 x 240 litre bins (comprising 3 garbage bins & 3 recycle bins) and with adequate provisions for access to all bins. Details showing compliance are to be included in the construction certificate.
23. The waste storage areas are to be provided with a tap and hose and the floor is to be graded and drained to the sewer to the requirements of Sydney Water.

#### **Street Tree Protection**

24. In order to ensure retention of the *Melaleuca linariifolia* (Snow in Summer, T1) located on Council's Hooper Street verge, just past the western site boundary, in front of no.9, in good health, the following measures are to be undertaken:
- a. All documentation submitted for the Construction Certificate application must show its retention, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
  - b. Any excavations associated with the installation of new services, pipes, stormwater systems or similar over public property must be setback the maximum distance possible from this tree so as to minimise the potential for future root damage and maintenance issues.
  - c. This tree is to be physically protected by installing evenly spaced star pickets at a setback of **2 metres** to its east and west (measured off the outside edge of its trunk at ground level), matching up with the back of the kerb to its north, and the footpath to its south, to which, safety tape/para-webbing/shade cloth or similar shall be permanently attached so as to completely enclose this tree for the duration of works.
  - d. This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until all works are completed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
  - e. Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
  - f. The applicant is not authorised to perform any works to this public tree, and must contact Council's Landscape Development Officer on 9399-0613 should pruning or similar works appear necessary. If approval is given, it can only be performed by Council, wholly at the applicants cost, with payment to be received, prior to the issue of an Occupation Certificate.
  - g. The PCA must ensure compliance with all of these requirements, both on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

**Tree Protection Measures**

25. In order to also ensure retention of the large and significant *Corymbia citriodora* (Lemon Scented Gum, T2) located in the rear yard of the subject site, right in the southeast corner in good health, the following measures are to be undertaken:
- a) All documentation submitted for the Construction Certificate application must show the retention of this tree, with the position and diameter of both its trunk and canopy to be clearly and accurately shown on all plans in relation to the proposed works.
  - b) Prior to the commencement of any site works, the Certifying Authority/PCA must ensure that an AQF Level 5 consulting Arborist (must be a registered member of a nationally recognized organization/association) has been engaged as 'the site Arborist' for the duration of works, and will be responsible for both implementing and monitoring the conditions of development consent and any recommendations of the Arborist Report.
  - c) The site Arborist must be present on-site at the relevant stages of works, and must keep a log of the dates of attendance and the works performed, which is to be presented as a Final Compliance Report, for the approval of the PCA, prior to the issue of any Occupation Certificate.
  - d) In the event of any discrepancy between the Construction Impact Assessment by NSW Tree Services Pty Ltd, ref CIA-DRI 08/15, dated 26/08/15 ("the Arborists Report") and conditions of consent, the site Arborist must contact Council's Landscape Development Officer on 9093-6613 to reach agreement on the outcome before proceeding further.
  - e) Any excavations associated with the installation of new services, pipes, stormwater/hydraulic systems or similar in the rear yard, must not extend past the southern wall of the basement level, as has been shown on the submitted plans by AKY Civil Engineering, dwg's H01-H04, rev B, dated 02.11.15.
  - f) The Construction Certificate plans must also show that the southern wall of the basement will finish a minimum distance of 5500mm away (as is shown on the rev B plans dated 12.05.16), measured from the centre-line of its trunk at ground level.
  - g) All initial excavations for footings associated with the ground level floodway, which the Elevation plans (dwg's DA302 & 304) show will extend past the southern wall of the basement level, within a radius of 5 metres, measured off the outside edge of its trunk at ground level, must be performed by hand, by the site Arborist, to a minimum depth of 600mm and a minimum width of 200mm, without damaging any roots in the process.
  - h) **Council's Landscape Development Officer (9093-6613) must then be contacted, prior to forming or pouring these footings, and giving at least 2 working days' notice, to inspect these trenches, with the applicant to comply with any instructions issued.**
  - i) Where major roots with a diameter of more than 75mm are encountered, and Council's officer determines must be retained, a cantilevered, pier and beam style footings must be used for these

areas.

- j) The Construction Certificate plans must acknowledge that the site inspection may result in the need to alter the footing design away from a traditional strip footing, to a more flexible system, with a suitably qualified engineer needing to have the required design approved by the PCA, prior to installing the footings.
- k) Where roots with a diameter of less than 75mm are found which are in direct conflict with the works, and permission is given for their pruning, they may be cut cleanly by hand, with the affected area to be backfilled with clean site soil as soon as practically possible.
- l) The timber deck off the rear of both ground floor apartments must be a cantilevered structure that will not involve any ground penetrations for footings/support, as has been shown on the Elevation plans (dwg's DA302 & 304).
- m) Any new common boundary fencing, within a radius of 11.4m metres of its trunk, can only be a system which is supported on localised pad footings, not strip footings, with details confirming compliance to be shown on the Construction Certificate plans.
- n) This tree is to be physically protected by the installation of 1.8 metre high steel mesh/chainwire fencing, which shall be located a minimum distance of **5 metres** to its north and west (measured off the outside edge of its trunk at ground level), matching up with the eastern and southern site boundaries in order to completely enclose this tree for the duration of works, with a 50mm layer of mulch to be provided and maintained within this area also.
- o) This fencing shall be installed prior to the commencement of demolition and construction works and shall remain in place until works associated with the floodway, rear deck and landscaping are being performed, to which, signage containing the following words shall be clearly displayed and permanently attached: "TREE PROTECTION ZONE (TPZ), DO NOT REMOVE/ENTER".
- p) In order to prevent soil/sediment being washed over its root system, erosion control measures must be provided at ground level around the perimeter of the TPZ.
- q) If additional trunk or branch protection is required, this can be provided by way of wrapping layers of geo-textile, underfelt or Hessian, which shall be secured by lengths of evenly spaced hardwood timbers around their circumference, and are to be secured by 8 gauge wires or steel strapping at 300mm spacing. NO nailing to the trunk.
- r) Ground levels in the area between the southern wall of the basement and southern site boundary must not be altered by more than 100mm, and other than the approved works, there must be no other structures such as continuous strip footings, planter boxes or similar to be located in this area, which must remain as undisturbed, deep soil.
- s) Within the TPZ, there is to be no storage of materials, machinery or site office/sheds, nor is cement to be mixed or chemicals spilt/disposed of and no stockpiling of soil or rubble, with all Site Management Plans needing to acknowledge these requirements.
- t) The PCA must ensure compliance with all of these requirements, both

on the plans as well as on-site during the course of construction, and prior to issuing any type of Occupation Certificate.

#### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the '*Principal Certifying Authority*' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

#### **Certification, PCA & other Requirements**

26. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and
- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days' notice must be given to the Council, in writing, prior to commencing any works.

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

#### **Home Building Act 1989**

27. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

#### **Dilapidation Reports**

28. A dilapidation report prepared by a professional engineer, building surveyor or

other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:

- excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
- excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
- as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

#### **Construction Noise & Vibration**

29. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

#### **Construction Site Management Plan**

30. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.



A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

### **Construction Traffic Management**

31. An application for a 'Works Zone' and Construction Traffic Management Plan must be submitted to Councils Integrated Transport Department, and approved by the Randwick Traffic Committee, for a 'Works Zone' to be provided in Hooper Street for the duration of the demolition & construction works.

The 'Works Zone' must have a minimum length of 12m and extend for a minimum duration of three months. The suitability of the proposed length and duration is to be demonstrated in the application for the Works Zone. The application for the Works Zone must be submitted to Council at least six (6) weeks prior to the commencement of work on the site to allow for assessment and tabling of agenda for the Randwick Traffic Committee.

The requirement for a Works Zone may be varied or waived only if it can be demonstrated in the Construction Traffic Management Plan (to the satisfaction of Council's Traffic Engineers) that all construction related activities (including all loading and unloading operations) can and will be undertaken wholly within the site. The written approval of Council must be obtained to provide a Works Zone or to waive the requirement to provide a Works Zone prior to the commencement of any site work.

32. A detailed Construction Site Traffic Management Plan must be submitted to and approved by Council, prior to the commencement of any site work.

The Construction Site Traffic Management Plan must be prepared by a suitably qualified person and must include the following details, to the satisfaction of Council:

- A description of the demolition, excavation and construction works
- A site plan/s showing the site, roads, footpaths, site access points and vehicular movements
- Any proposed road and/or footpath closures
- A restriction requiring the maximum length of trucks serving the site to not exceed 12.5m length. No B-Doubles will be permitted in Hooper Street.
- Proposed site access locations for personnel, deliveries and materials
- Size, type and estimated number of vehicular movements (including removal of excavated materials, delivery of materials and concrete to the site)
- Provision for loading and unloading of goods and materials
- Impacts of the work and vehicular movements on the road network, traffic and pedestrians
- Proposed hours of construction related activities and vehicular movements to and from the site
- Current/proposed approvals from other Agencies and Authorities (including NSW Roads & Maritime Services, Police and State Transit Authority)
- Any activities proposed to be located or impact upon Council's road, footways or any public place
- Measures to maintain public safety and convenience

*The approved Construction Site Traffic Management Plan must be complied with at all times, and any proposed amendments to the approved Construction*

*Site Traffic Management Plan must be submitted to and be approved by Council in writing, prior to the implementation of any variations to the Plan.*

33. Any necessary approvals must be obtained from NSW Police, Roads & Maritime Services, Transport, and relevant Service Authorities, prior to commencing work upon or within the road, footway or nature strip.

#### **Demolition Work Plan**

34. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan must also be provided to Council not less than 2 days before commencing those works.

#### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

#### **Public Utilities**

35. A public utility impact assessment must be carried out on all public utility services located on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the building works. The assessment should include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of services.

36. Documentary evidence from the relevant public utility authorities confirming they have agreed to the proposed works and that their requirements have been or are able to be satisfied, must be submitted to the Principal Certifying Authority prior to the commencement of any demolition, excavation or building works.

The owner/builder must make the necessary arrangements and meet the full cost for telecommunication companies, gas providers, Ausgrid, Sydney Water and other service authorities to adjust, repair or relocate their services as required.

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

### **Inspections during Construction**

37. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

### **Site Signage**

38. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".

### **Restriction on Working Hours**

39. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

### **Demolition Work Requirements**

40. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:
- Work Health & Safety Act 2011 and Regulations
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
  - WorkCover NSW Guidelines and Codes of Practice
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997 and Regulations
  - Relevant EPA Guidelines
  - Randwick City Council Asbestos Policy

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

#### **Removal of Asbestos Materials**

41. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:
- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
  - Randwick City Council's Asbestos Policy
  - A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
  - On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
  - Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
  - A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

#### **Sediment & Erosion Control**

42. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater –

Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

#### **Public Safety & Site Management**

43. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:

a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.

c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.

d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.

e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.

f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.

g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

#### **Support of Adjoining Land, Excavations & Retaining Walls**

44. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.

45. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional

standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.

46. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
- as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

#### **Building Encroachments**

47. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

#### **Road/Asset Opening Permit**

48. Any openings within or upon the road, footpath, nature strip or in any public place (i.e. for proposed drainage works or installation of services), must be carried out in accordance with the following requirements, to the satisfaction of Council:

- a) A *Road / Asset Opening Permit* must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the *Roads Act 1993* and all of the conditions and requirements contained in the *Road / Asset Opening Permit* must be complied with.
- b) Council's Road / Asset Opening Officer must be notified at least 48 hours in advance of commencing any excavation works and also immediately upon completing the works (on 9399 0691 or 0409 033 921 during business hours), to enable any necessary inspections or works to be carried out.
- c) Relevant *Road / Asset Opening Permit* fees, construction fees, inspection fees and security deposits, must be paid to Council prior to commencing any works within or upon the road, footpath, nature strip or other public place,

- d) The owner/developer must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a *final occupation certificate* or occupation of the development (whichever is sooner).
- e) Excavations and trenches must be back-filled and compacted in accordance with AUSPEC standards 306U.
- f) Excavations or trenches located upon a road or footpath are required to be provided with 50mm depth of cold-mix bitumen finish, level with the existing road/ground surface, to enable Council to readily complete the finishing works at a future date.
- g) Excavations or trenches located upon turfed areas are required to be back-filled, compacted, top-soiled and re-turfed with Kikuyu turf.
- h) The work and area must be maintained in a clean, safe and tidy condition at all times and the area must be thoroughly cleaned at the end of each days activities and upon completion.
- i) The work can only be carried out in accordance with approved hours of building work as specified in the development consent, unless the express written approval of Council has been obtained beforehand.
- j) Sediment control measures must be implemented in accordance with the conditions of development consent and soil, sand or any other material must not be allowed to enter the stormwater drainage system or cause a pollution incident.
- k) The owner/developer must have a Public Liability Insurance Policy in force, with a minimum cover of \$10 million and a copy of the insurance policy must be provided to Council prior to carrying out any works within or upon the road, footpath, nature strip or in any public place.

#### **Traffic Management**

49. Adequate provisions must be made to ensure pedestrian safety and traffic flow during the site works and traffic control measures are to be implemented in accordance with the relevant provisions of the Roads and Traffic Manual "Traffic Control at Work Sites" (Version 4), to the satisfaction of Council.

#### **Stormwater Drainage**

50. Adequate provisions must be made to collect and discharge stormwater drainage during construction of the building to the satisfaction of the principal certifying authority.

The prior written approval of Council must be obtained to connect or discharge site stormwater to Council's stormwater drainage system or street gutter.

51. A separate written approval from Council is required to be obtained in relation to any proposed discharge of groundwater into Council's drainage system external to the site, in accordance with the requirements of Section 138 of the Roads Act 1993.

#### **Tree Removal**

52. Approval is granted for the removal of any of those *Dyopsis lutescens* (Golden Cane Palms) located around the perimeter of the rear yard of the subject site, as well as the *Persea americianna* (Avocado) against the western side of the existing free-standing garage, so as to accommodate the works shown for these same areas, subject to full implementation of the approved Landscape Plan.

**Pruning**

53. Permission is granted for the minimal and selective pruning of only those branches from the northern aspect of the *Corymbia citriodora* (Lemon Scented Gum, T1) which is located in the rear yard, right in the southeast corner of the site, only where needed in order to avoid damage to the tree specifically from the piling rig during construction of the southern wall of the basement, including:
- i) The 2<sup>nd</sup> order lateral at a height of 4m above ground level, leading to the northwest, which may need to be taken all the way back to the main trunk;
  - ii) The 3<sup>rd</sup> order leader growing to the northeast, at 10-12m above ground level;
  - iii) Those 4<sup>th</sup> order branches at its northwest aspect, in its upper canopy;
  - iv) Various other smaller, lower order branches where necessary.
54. All pruning can only be undertaken by a practising Arborist who holds a minimum of AQF Level III in Arboriculture, and is to comply with the requirements of Australian Standard AS 4373-2007 'Pruning of Amenity Trees,' and NSW Work Cover Code of Practice for the Amenity Tree Industry (1998).

Pruning may be performed prior to the commencement of construction works so as to minimize the chance of damage being caused to the tree from the piling rig.

55. **The site Arborist must contact Council's Landscape Development Officer on 9093-6613 (giving at least 2 working days' notice) to arrange a joint site meeting, prior to pruning, to confirm the exact location and extent of pruning that is permissible, with the Arborist to comply with any instructions issued by Council's Officer.**

**REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the 'Principal Certifying Authority' issuing an 'Occupation Certificate'.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

**Occupation Certificate Requirements**

56. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

**BASIX Requirements**

57. In accordance with Clause 154B of the *Environmental Planning & Assessment*



*Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

### **Council's Infrastructure, Vehicular Crossings & Road Openings**

58. The owner/developer must meet the full cost for a Council approved contractor to:
- a) Reconstruct a full width concrete vehicular crossing and layback at kerb opposite the vehicular entrance to the site, to Council's specifications and requirements.
  - b) Re-construct kerb and gutter for the full site frontage except opposite the vehicular entrance and exit points, to Council's specifications and requirements.
  - c) Carry out a full depth, 1 metre wide, road construction in front of the kerb and gutter along the full site frontage, to Council's specifications and requirements.
  - d) Re/construct a 1.3m wide concrete footpath along the full site frontage. Any unpaved areas on the nature strip must be turfed and landscaped to Council's specification.
59. Prior to issuing a final occupation certificate or occupation of the development (whichever is sooner), the owner/developer must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
60. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for "Vehicular Access and Road and Drainage Works" and the following requirements:
- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
  - b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Civil Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
  - c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council's design details and payment of a Council design and supervision fee.
  - d) The civil works must be completed in accordance with Council's conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

### **Service Authorities**

#### **Sydney Water Requirements**

61. A Section 73 Compliance Certificate, under the Sydney Water Act 1994 must be obtained from Sydney Water Corporation. An Application for a Section 73 Certificate must be made through an authorised Water Servicing Coordinator.

For details, please refer to the Sydney Water web site [www.sydneywater.com.au](http://www.sydneywater.com.au) > Building and developing > Developing your Land > Water Servicing Coordinator or telephone 13 20 92.

Please make early contact with the Water Servicing Coordinator, as building of water/sewer extensions may take some time and may impact on other services and building, driveway or landscape design.

The Section 73 Certificate must be submitted to the Principal Certifying Authority and the Council prior to issuing an *Occupation Certificate*.

#### **Undergrounding of Power**

62. The applicant/developer must meet the full cost for Ausgrid to relocate the existing overhead power feed between the nearest mains distribution pole in Hooper Street and the development site, to an underground (UGOH) connection.

#### **Flooding**

63. The PCA shall be satisfied that all flood mitigation measures as detailed in the approved documentation have been undertaken, including but not limited to floor levels, driveway and footpath crests, and provision of the undercroft area at the rear of the building.
64. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the undercroft area underneath the rear ground floor slab shall not be enclosed or used for the storage of goods, so as to ensure the overland flow path is maintained through the subject property. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.
- The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.

#### **Stormwater Drainage**

65. A "restriction on the use of land" and "positive covenant" (under section 88E of the Conveyancing Act 1919) shall be placed on the title of the subject property to ensure that the onsite pump-out system is maintained and that no works which could affect the design function of the pump-out system are undertaken without the prior consent (in writing) from Council. Such restriction and positive covenant shall not be released, varied or modified without the consent of the Council.

#### Notes:

- a. The "restriction on the use of land" and "positive covenant" are to be to the satisfaction of Council. A copy of Council's standard wording/layout for the restriction and positive covenant may be obtained from Council's Development Engineer.
- b. The works as executed drainage plan and hydraulic certification must be submitted to Council prior to the "restriction on the use of land" and "positive covenant" being executed by Council.
66. A works-as-executed drainage plan prepared by a registered surveyor and approved by a suitably qualified and experienced hydraulic consultant/engineer must be forwarded to the Principal Certifying Authority and the Council. The works-as-executed plan must include the following details (as applicable):

- Finished surface levels (including ground floor levels) & site contours at 0.2 metre intervals;
- Volume of storage available in the pump-out system;
- The location, diameter, gradient and material (i.e. PVC, RC etc) of all stormwater pipes;
- Invert & surface levels at any pits.
- Heights of critical crests in driveway and pedestrian access for flood mitigation.

67. The applicant shall submit to the Principal Certifying Authority (PCA) and Council, certification from a suitably qualified and experienced Hydraulic Engineer, which confirms that the design and construction of the stormwater drainage system complies with the Building Code of Australia, Australian Standard AS3500.3:2003 (Plumbing & Drainage- Stormwater Drainage) and conditions of this development consent.

The certification must be provided following inspection/s of the site stormwater drainage system by the Hydraulic Engineers to the satisfaction of the PCA.

68. The applicant shall submit to the Principal Certifying Authority (PCA) and Council certification from a suitably qualified and experienced professional engineer, confirming that the walls of the basement have been fully tanked and waterproofed to prevent the entry of all groundwater in the basement level/s and that any required sub-soil drainage systems have been provided in accordance with the conditions of this consent.

#### **Landscaping**

69. Prior to issuing any type of Occupation Certificates, certification from a qualified professional in the landscape/horticultural industry must be submitted to, and be approved by, the PCA, confirming the date that the completed landscaping was inspected, and that it has been installed substantially in accordance with the Landscape Plan by KVMZV Architecture, dwg DA105, rev B, dated 12.05.16.
70. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
71. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

#### **Site Arborist Certification**

72. Prior to the issue of any Occupation Certificate, the site Arborist must submit to, and have approved by, the PCA, written certification which confirms compliance with the conditions of consent and Arborists Report Recommendations; the dates of attendance and works performed/supervised relating to retention of the Lemon Scented Gum (T1).

#### **Tree Protection Certification**

73. Prior to the PCA issuing any Occupation Certificate, written certification must also be obtained from Council's Landscape Development Officer (9399-0613) confirming that the Tree Protection Measures relating to inspection of hand dug trenches and pruning, as well as any other instructions issued on-site, were complied with during the course of works.

#### **Waste Management**

74. Prior to the occupation of the development, the owner or applicant is required

to contact Council's City Services department, to make the necessary arrangements for the provision of waste services for the premises.

75. The waste storage areas shall be clearly signposted.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health and environmental amenity.

#### **Use of Premises**

76. The car spaces within the development are for the exclusive use of the occupants of the building and their visitors. The car spaces must not be leased to any person/company that is not an occupant of the building.

#### **External Lighting**

77. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

#### **Street Numbering**

78. Street numbering must be provided to the front of the premises in a prominent position, in accordance with the Australia Post guidelines and AS/NZS 4819 (2003) to the satisfaction of Council.

In this regard, an Application must be submitted to and approved by Council's Director of City Planning, together with the required fee, for the allocation of appropriate street and unit numbers for the development.

#### **Plant & Equipment**

79. The operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

#### **Stormwater Detention/Infiltration System**

80. The detention area/infiltration/pump-out system must be regularly cleaned and maintained to ensure it functions as required by the design.

#### **Residential Parking Permits**

81. All prospective owners and tenants of the building must be notified that Council will not issue any residential parking permits to occupants/tenants of this development.

82. A notice shall be placed in the foyer/common areas of the building advising tenants/occupiers that they are in a building which does not qualify for on-street resident parking permits.

#### **Rainwater Tanks**

83. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a

habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

#### **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:

- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
- An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
- Council and the Principal Certifying Authority have been given at least 2 days' notice (in writing) prior to commencing any works.

- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.

- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:

- Install or erect any site fencing, hoardings or site structures
- Operate a crane or hoist goods or materials over a footpath or road
- Placement of a waste skip or any other container or article.

For further information please contact Council on 9399 0944.

- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will

not encroach onto the adjoining properties, Council's road reserve or any public place.

A7 Underground assets may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

A8 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

A9 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

A10 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:

- the consent of the owners of such adjoining or supported land to trespass or encroach, or
- an access order under the *Access to Neighbouring Land Act 2000*, or
- an easement under section 88K of the *Conveyancing Act 1919*, or
- an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.

Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).

A11 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be included in the construction certificate application.

A12 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
- *It is the responsibility of the persons undertaking demolition work to*

*obtain the relevant WorkCover licences and permits.*

- A13 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.
- A14 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to [www.health.nsw.gov.au/childsafety](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

**MOTION: (Neilson/Matson)** that this matter be deferred to the next Planning Committee meeting to allow one of the neighbouring objectors, who was not notified in a timely manner, to make a submission on this development application. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Belleli
Councillor Shurey	Councillor Bowen
	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinou
	Councillor Stevenson
<b>Total (3)</b>	<b>Total (12)</b>

**MOTION: (Andrews/Stavrinou) CARRIED - SEE RESOLUTION.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (14)</b>	<b>Total (1)</b>

## **CP12/17 Director City Planning Report - 5 Edgecliffe Avenue, South Coogee (DA/419/2016) (Deferred)**

Note: a Rescission Motion in relation to this matter was submitted by Councillors Andrews, Garcia and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 11<sup>h</sup> April 2017.

42/17

**RESOLUTION: (Moore/Stavrinos)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. DA/419/2016 for alterations and additions to the existing dwelling house including new upper level addition, rear in-ground swimming pool with associated decks, widening of the driveway, changes to the front boundary wall, associated site and landscaping works, at No. 5 Edgecliffe Avenue, South Coogee, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

### **GENERAL CONDITIONS**

The development must be carried out in accordance with the following conditions of consent.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979, Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of environmental amenity.

### **Approved Plans & Supporting Documentation**

- The development must be implemented substantially in accordance with the plans and supporting documentation listed below and endorsed with Council's approved stamp, except where amended by Council in red and/or by other conditions of this consent:

<b>Plan</b>	<b>Drawn by</b>	<b>Dated</b>
DA 0154 (Revision B)	Red Blue Architect and design	25/05/2016
DA 0200 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0201 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0202 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0203 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0204 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0207 (Revision C)	Red Blue Architect and design	26/09/2016
DA 0210 (Revision C)	Red Blue Architect and design	25/05/2016
DA 0211 (Revision A)	Red Blue Architect and design	26/09/2016
DA 0221 (Revision A)	Red Blue Architect and design	27/09/2016

<b>BASIX Certificate No.</b>	<b>Dated</b>
A241570	30 May 2016

### **Amendment of Plans & Documentation**

- The approved plans and documents must be amended in accordance with the following requirements:
  - The rear Balcony 1 off the sitting room on level 2 shall be reduced in size to have a maximum depth of 1m. To provide cover over the ground floor Deck 1 an awning structure can be constructed in its place to a maximum RL height of 52.590.
  - The ensuite on level 2 shall be reduced in depth by 1 metre. The ensuite maybe increased in width by 1 metre to substitute for the loss in area.
  - The new western boundary fence shall be at a maximum height of 1.2m



- from the existing ground level of the adjoining property at no. 1 Edgecliffe in order to retain the water horizon views.
- d) The glass balustrades to Deck 2 on the eastern elevation shall be of obscure glazing to minimise overlooking in a downward direction into the neighbour property at no. 7 Edgecliffe Avenue.

#### **REQUIREMENTS BEFORE A CONSTRUCTION CERTIFICATE CAN BE ISSUED**

The following conditions of consent must be complied with before a 'Construction Certificate' is issued by either Randwick City Council or an Accredited Certifier. All necessary information to demonstrate compliance with the following conditions of consent must be included in the documentation for the construction certificate.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Consent Requirements**

3. The requirements and amendments detailed in the 'General Conditions' must be complied with and be included in the construction certificate plans and associated documentation.

#### **Section 94A Development Contributions**

4. In accordance with Council's Section 94A Development Contributions Plan effective from 21 April 2015, based on the development cost of \$1,234,895 the following applicable monetary levy must be paid to Council: \$12348.95.

The levy must be paid in **cash, bank cheque** or by **credit card** prior to a construction certificate being issued for the proposed development. The development is subject to an index to reflect quarterly variations in the Consumer Price Index (CPI) from the date of Council's determination to the date of payment. Please contact Council on telephone 9399 0999 or 1300 722 542 for the indexed contribution amount prior to payment.

To calculate the indexed levy, the following formula must be used:

$$\text{IDC} = \text{ODC} \times \text{CP2/CP1}$$

Where:

**IDC** = the indexed development cost

**ODC** = the original development cost determined by the Council

**CP2** = the Consumer Price Index, All Groups, Sydney, as published by the ABS in respect of the quarter ending immediately prior to the date of payment

**CP1** = the Consumer Price Index, All Groups, Sydney as published by the ABS in respect of the quarter ending immediately prior to the date of imposition of the condition requiring payment of the levy.

Council's Section 94A Development Contribution Plans may be inspected at the Customer Service Centre, Administrative Centre, 30 Frances Street, Randwick or at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au).

#### **Long Service Levy Payments**

5. The required Long Service Levy payment, under the *Building and Construction Industry Long Service Payments Act 1986*, must be forwarded to the Long Service Levy Corporation or the Council, in accordance with Section 109F of the *Environmental Planning & Assessment Act 1979*.

*At the time of this development consent, Long Service Levy payment is applicable on building work having a value of \$25,000 or more, at the rate of 0.35% of the cost of the works.*

**Security Deposit**

6. The following damage / civil works security deposit requirement must be complied with as security for making good any damage caused to the roadway, footway, verge or any public place; and as security for completing any public work; and for remedying any defect on such public works, in accordance with section 80A(6) of the *Environmental Planning and Assessment Act 1979*:

- \$1000.00 - Damage / Civil Works Security Deposit

The damage/civil works security deposit may be provided by way of a cash, cheque or credit card payment and is refundable upon a satisfactory inspection by Council upon the completion of the civil works which confirms that there has been no damage to Council's infrastructure.

The owner/builder is also requested to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

To obtain a refund of relevant deposits, a *Security Deposit Refund Form* is to be forwarded to Council's Director of City Services upon issuing of an occupation certificate or completion of the civil works.

**Design Alignment levels**

7. The design alignment level (the finished level of concrete, paving or the like) at the property boundary for driveways, access ramps and pathways or the like, shall be as follows:

- Extended Western Driveway Entrance – RL 45.17 AHD
- Pedestrian Entrance – RL 46.48 AHD

The design alignment levels at the property boundary as issued by Council must be indicated on the building plans for the construction certificate. The design alignment level at the street boundary, as issued by the Council, must be strictly adhered to.

8. The above alignment levels and the site inspection by Council's Development Engineer have been issued at a prescribed fee of \$167.00 (inclusive of GST). This amount is to be paid prior to a construction certificate being issued for the development.

**Sydney Water**

9. All building, plumbing and drainage work must be carried out in accordance with the requirements of the Sydney Water Corporation.

The approved plans must be submitted to the Sydney Water [Tap in™](#) online service, to determine whether the development will affect Sydney Water's waste water and water mains, stormwater drains and/or easements, and if any further requirements need to be met.

*The Sydney Water Tap in™ online service replaces the Quick Check Agents as of 30 November 2015*

The Tap in™ service provides 24/7 access to a range of services, including:

- Building plan approvals
- Connection and disconnection approvals
- Diagrams
- Trade waste approvals
- Pressure information

- Water meter installations
- Pressure boosting and pump approvals
- Change to an existing service or asset, e.g. relocating or moving an asset.

Sydney Water's Tap in™ in online service is available at:  
<https://www.sydneywater.com.au/SW/plumbing-building-developing/building/sydney-water-tap-in/index.htm>

The Principal Certifying Authority must ensure that the developer/owner has submitted the approved plans to Sydney Water Tap in online service.

#### **New Street Tree**

10. The applicant must submit a payment of **\$107.25** (including GST) to cover the costs for Council to supply, plant and maintain 1 x 25 litre street tree selected from Council's Street Tree Masterplan, on the Edgecliffe Avenue verge, an equal distance between the western edge of the new vehicle crossing and western site boundary at the completion of all works.

This fee must be paid into **Tree Amenity Income** at the Cashier on the Ground Floor of the Administrative Centre **prior to a Construction Certificate being issued for the development.**

**The applicant must contact Council's Landscape Development Officer on 9093-6613 (quoting the receipt number), and giving at least four working weeks' notice (allow longer for public holidays or extended periods of rain) to arrange for planting.**

**After this, any further enquiries regarding scheduling/timing or completion of works are to be directed to Council's North Area Tree Preservation & Maintenance Coordinator on 9093-6858.**

#### **REQUIREMENTS TO BE INCLUDED IN THE CONSTRUCTION CERTIFICATE**

The requirements contained in the following conditions of consent must be complied with and details of compliance must be included in the construction certificate for the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Councils development consent conditions and to achieve reasonable levels of environmental amenity.

#### **Compliance with the Building Code of Australia**

11. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, it is a *prescribed condition* that all building work must be carried out in accordance with the provisions of the Building Code of Australia (BCA). Details of compliance with the BCA are to be included in the construction certificate application.

#### **Structural Adequacy**

12. Certificate of Adequacy supplied by a *professional engineer* shall be submitted to the certifying authority (*and the Council, if the Council is not the certifying authority*), certifying the structural adequacy of the existing structure to support the additional storey.

#### **BASIX Requirements**

13. In accordance with section 80A(11) of the *Environmental Planning & Assessment Act 1979* and clause 97A of the *Environmental Planning & Assessment Regulation 2000*, the requirements and commitments contained in the relevant BASIX

Certificate must be complied with.

The required commitments listed and identified in the BASIX Certificate must be included on the construction certificate plans, specifications and associated documentation, to the satisfaction of the Certifying Authority.

The design of the building must not be inconsistent with the development consent and any proposed variations to the building to achieve the BASIX commitments may necessitate a new development consent or amendment to the existing consent to be obtained, prior to a construction certificate being issued.

### **Stormwater Drainage**

14. A surface water/stormwater drainage system must be provided in accordance with the following requirements, to the satisfaction of the Certifying Authority and details are to be included in the construction certificate:-

- a) Surface water/stormwater drainage systems must be provided in accordance with the relevant requirements of the Building Code of Australia (Volume 2);
- b) The surface water/stormwater must be drained and discharged to the street gutter or, subject to site suitability, the stormwater may be drained to a suitably designed absorption pit;
- c) Any absorption pits or soaker wells should be located not less than 3m from any adjoining premises and the stormwater must not be directed to any adjoining premises or cause a nuisance;
- d) External paths and ground surfaces are to be constructed at appropriate levels and be graded and drained away from the building and adjoining premises, so as not to result in the entry of water into the building, or cause a nuisance or damage to the adjoining premises;
- e) Details of any proposed drainage systems or works to be carried out in the road, footpath or nature strip must be submitted to and approved by Council before commencing these works.

### **REQUIREMENTS PRIOR TO THE COMMENCEMENT OF ANY WORKS**

The following conditions of consent must be complied with prior to the commencement of any works on the site. The necessary documentation and information must be provided to the Council or the 'Principal Certifying Authority' (PCA), as applicable.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity.

### **Certification, PCA & other Requirements**

15. Prior to the commencement of any building works, the following requirements must be complied with:

- a) a *Construction Certificate* must be obtained from the Council or an accredited certifier, in accordance with the provisions of the *Environmental Planning & Assessment Act 1979*.

A copy of the construction certificate, the approved development consent plans and consent conditions must be kept on the site at all times and be made available to the Council officers and all building contractors for assessment.

- b) a *Principal Certifying Authority* (PCA) must be appointed to carry out the necessary building inspections and to issue an *occupation certificate*; and

- c) a *principal contractor* must be appointed for the building work, or in relation to residential building work, an *owner-builder* permit may be obtained in accordance with the requirements of the *Home Building Act 1989*, and the PCA and Council are to be notified accordingly; and
- d) the *principal contractor* must be advised of the required *critical stage inspections* and other inspections to be carried out, as specified by the *Principal Certifying Authority*; and
- e) at least two days' notice must be given to the Council, in writing, prior to commencing any works.

*In relation to residential building work, the principal contractor must be the holder of a contractor licence, in accordance with the provisions of the Home Building Act 1989.*

#### **Home Building Act 1989**

16. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 of the *Environmental Planning & Assessment Regulation 2000*, the requirements of the *Home Building Act 1989* must be complied with.

Details of the Licensed Building Contractor and a copy of the relevant Certificate of Home Warranty Insurance or a copy of the Owner-Builder Permit (as applicable) must be provided to the Principal Certifying Authority and Council.

#### **Dilapidation Reports**

17. A dilapidation report prepared by a professional engineer, building surveyor or other suitably qualified independent person must be submitted to the satisfaction of the Principal Certifying Authority prior to commencement of any demolition, excavation or building works, in the following cases:
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are proposed to be located within the *zone of influence* of the footings of any dwelling, associated garage or other substantial structure located upon an adjoining premises,
  - new dwellings or additions to dwellings sited up to shared property boundaries (e.g. additions to a semi-detached dwelling or terraced dwellings),
  - excavations for new dwellings, additions to dwellings, swimming pools or the like which are within rock and may result in vibration and or potential damage to any dwelling, associated garage or other substantial structure located upon an adjoining premises,
  - as otherwise may be required by the Principal Certifying Authority.

The report (including photographs) are required to detail the current condition and status of any dwelling, associated garage or other substantial structure located upon the adjoining premises, which may be affected by the subject works. A copy of the dilapidation report is to be given to the owners of the premises encompassed in the report/s before commencing any works.

#### **Construction Noise & Vibration Management Plan**

18. Noise and vibration emissions during the construction of the building and associated site works must not result in damage to nearby premises or result in an unreasonable loss of amenity to nearby residents and the relevant requirements of the *Protection of the Environment Operations Act 1997* and NSW EPA Guidelines must be satisfied at all times.

Noise and vibration from any rock excavation machinery, pile drivers and all plant and equipment must be minimised, by using appropriate plant and equipment, silencers and the implementation of noise management strategies.

A *Construction Noise Management Plan*, prepared in accordance with the NSW EPA Construction Noise Guideline by a suitably qualified person, is to be implemented throughout the works. A copy of the strategy must be provided to the Principal Certifying Authority and Council prior to the commencement of works on site.

### **Construction Site Management Plan**

19. A *Construction Site Management Plan* must be developed and implemented prior to the commencement of any works. The construction site management plan must include the following measures, as applicable to the type of development:

- location and construction of protective fencing / hoardings to the perimeter of the site;
- location of site storage areas/sheds/equipment;
- location of building materials for construction;
- provisions for public safety;
- dust control measures;
- site access location and construction
- details of methods of disposal of demolition materials;
- protective measures for tree preservation;
- provisions for temporary sanitary facilities;
- location and size of waste containers/bulk bins;
- details of proposed sediment and erosion control measures;
- provisions for temporary stormwater drainage;
- construction noise and vibration management;
- construction traffic management details.

The site management measures must be implemented prior to the commencement of any site works and be maintained throughout the works, to the satisfaction of Council.

A copy of the Construction Site Management Plan must be provided to the Principal Certifying Authority and Council prior to commencing site works. A copy must also be maintained on site and be made available to Council officers upon request.

### **Demolition Work Plan**

20. A Demolition Work Plan must be prepared for the development in accordance with Australian Standard AS2601-2001, Demolition of Structures and relevant environmental/occupational health and safety requirements.

The Demolition Work Plan must include the following information (as applicable):

- The name, address, contact details and licence number of the Demolisher /Asbestos Removal Contractor
- Details of hazardous materials (including asbestos)
- Method/s of demolition (including removal of any asbestos)
- Measures and processes to be implemented to ensure the health & safety of workers and community
- Measures to be implemented to minimise any airborne dust and asbestos
- Methods and location of disposal of any hazardous materials (including asbestos)
- Other relevant details, measures and requirements to be implemented
- Details of re-use, recycling and disposal of waste demolition/building materials
- Date the demolition works will commence

The Demolition Work Plan must be submitted to the Principal Certifying Authority (PCA), not less than two (2) working days before commencing any demolition work. A copy of the Demolition Work Plan must be maintained on site and be made available to Council officers upon request.

If the work involves asbestos products or materials, a copy of the Demolition Work Plan

must also be provided to Council not less than 2 days before commencing those works.

#### **Notes**

- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*
- *Refer to the conditions within the "Requirements During Construction & Site Work", for further details and requirements relating to demolition work, removal of any asbestos and public safety.*

#### **Public Utilities**

21. A *Public Utility Impact Assessment* must be carried out on all public utility services on the site, roadway, nature strip, footpath, public reserve or any public areas associated with and/or adjacent to the development/building works and include relevant information from public utility authorities and exploratory trenching or pot-holing, if necessary, to determine the position and level of service.
22. The applicant must meet the full cost for telecommunication companies, gas providers, Ausgrid, and Sydney Water to adjust/repair/relocate their services as required. The applicant must make the necessary arrangements with the service authority.

#### **Landscape Plan**

23. A landscape plan prepared by a qualified professional in the Landscape/ Horticultural industry (must be a registered member of AILD, AILA or equivalent) must be submitted to, and be approved by, the Certifying Authority/PCA, **prior to the commencement of site works**, and must detail the following:
  - a) A Planting Plan & Plant Schedule which includes proposed species, botanic and common names, pot size at the time of planting, quantity, location, dimensions at maturity and any other details required to describe the works;
  - b) A predominance of species that can withstand poor quality sandy soils, persistent salt laden winds, and are not reliant on high quantities of moisture and fertilizer for survival;
  - c) A high quality selection and arrangement of decorative species throughout the front setback so as to assist with presentation of the development to the streetscape;
  - d) So as to maintain existing water views for adjoining neighbours to the west, this Plan must include details confirming that any species selected along the length of the western site boundary, including adjacent the pool, will be a species that will not exceed 2 metres in height at maturity above finished ground levels, with screening along the eastern site boundary to use only those species that will not exceed 3 metres in height above finished levels;
  - e) The tree shown for the rear yard, adjacent the southwest corner of the new dwelling, as well as the three shown for the front setback must be a feature species that will not exceed 4 metres in height at maturity, with the nominated species to be shown in order to confirm compliance.

#### **REQUIREMENTS DURING CONSTRUCTION & SITE WORK**

The following conditions of consent must be complied with during the demolition, excavation and construction of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000* and to provide reasonable levels of public health, safety and environmental amenity during construction.

#### **Inspections During Construction**

24. The building works must be inspected by the *Principal Certifying Authority*, in accordance with sections 109 E (3) of the *Environmental Planning & Assessment Act 1979* and clause 162A of the *Environmental Planning & Assessment Regulation 2000*, to monitor compliance with the relevant standards of construction, Council's development consent and the construction certificate.

The *Principal Certifying Authority* must specify the relevant stages of construction to be inspected and a satisfactory inspection must be carried out, to the satisfaction of the *Principal Certifying Authority*, prior to proceeding to the subsequent stages of construction or finalisation of the works (as applicable).

#### **Site Signage**

25. A sign must be erected and maintained in a prominent position on the site for the duration of the works, which contains the following details:
- name, address, contractor licence number and telephone number of the *principal contractor*, including a telephone number at which the person may be contacted outside working hours, or *owner-builder* permit details (as applicable)
  - name, address and telephone number of the *Principal Certifying Authority*,
  - a statement stating that "unauthorised entry to the work site is prohibited".

#### **Restriction on Working Hours**

26. Building, demolition and associated site works must be carried out in accordance with the following requirements:

Activity	Permitted working hours
All building, demolition and site work, including site deliveries (except as detailed below)	<ul style="list-style-type: none"> <li>• Monday to Friday - 7.00am to 5.00pm</li> <li>• Saturday - 8.00am to 5.00pm</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>
Excavating of rock, use of jack-hammers, pile-drivers, vibratory rollers/compactors or the like	<ul style="list-style-type: none"> <li>• Monday to Friday - 8.00am to 5.00pm</li> <li>• Saturday - No work permitted</li> <li>• Sunday &amp; public holidays - No work permitted</li> </ul>

*An application to vary the abovementioned hours may be submitted to Council's Manager Health, Building & Regulatory Services for consideration and approval to vary the specified hours may be granted in exceptional circumstances and for limited occasions (e.g. for public safety, traffic management or road safety reasons). Any applications are to be made on the standard application form and include payment of the relevant fees and supporting information. Applications must be made at least 10 days prior to the date of the proposed work and the prior written approval of Council must be obtained to vary the standard permitted working hours.*

#### **Demolition Work Requirements**

27. The demolition of buildings and the removal, storage, handling and disposal of building materials must be carried out in accordance with the relevant requirements of WorkCover NSW, the NSW Department of Environment, Climate Change & Water and Randwick City Council policies, including:
- Work Health & Safety Act 2011 and Regulations
  - WorkCover NSW Code of Practice for the Safe Removal of Asbestos
  - WorkCover NSW Guidelines and Codes of Practice
  - Australian Standard 2601 (2001) – Demolition of Structures
  - The Protection of the Environment Operations Act 1997 and Regulations
  - Relevant EPA Guidelines



- Randwick City Council Asbestos Policy

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*

### **Removal of Asbestos Materials**

28. Work involving the demolition, storage or disposal of asbestos products and materials must be carried out in accordance with the following requirements:

- Relevant Occupational Health & Safety legislation and WorkCover NSW requirements
- Randwick City Council's Asbestos Policy
- A WorkCover licensed demolition or asbestos removal contractor must undertake removal of more than 10m<sup>2</sup> of bonded asbestos (or as otherwise specified by WorkCover or relevant legislation). Removal of friable asbestos material must only be undertaken by contractor that holds a current friable asbestos removal licence. A copy of the relevant licence must be provided to the Principal Certifying Authority.
- On sites involving the removal of asbestos, a sign must be clearly displayed in a prominent visible position at the front of the site, containing the words 'DANGER ASBESTOS REMOVAL IN PROGRESS' and include details of the licensed contractor.
- Asbestos waste must be stored, transported and disposed of in compliance with the *Protection of the Environment Operations Act 1997* and the *Protection of the Environment Operations (Waste) Regulation 2005*. Details of the landfill site (which must be lawfully able to receive asbestos materials) must be provided to the Principal Certifying Authority.
- A Clearance Certificate or Statement, prepared by a suitably qualified person (i.e. an occupational hygienist, licensed asbestos removal contractor, building consultant, architect or experienced licensed building contractor), must be provided to Council and the Principal certifying authority upon completion of the asbestos related works which confirms that the asbestos material have been removed appropriately and the relevant conditions of consent have been satisfied.

*A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development Section or a copy can be obtained from Council's Customer Service Centre.*

### **Sediment & Erosion Control**

29. Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction. Details are to be included in the *Construction Site Management Plan*.

### **Public Safety & Site Management**

30. Public safety and convenience must be maintained at all times during demolition, excavation and construction works and the following requirements must be complied with:
- a) Public access to the building site and materials must be restricted by existing boundary fencing or temporary site fencing having a minimum height of 1.5m, to Council's satisfaction.

Temporary site fences are required to be constructed of cyclone wire fencing material and be structurally adequate, safe and constructed in a professional manner. The use of poor quality materials or steel reinforcement mesh as fencing is not permissible.

- b) Building materials, sand, soil, waste materials, construction equipment or other articles must not be placed upon the footpath, roadway or nature strip at any time.
- c) The road, footpath, vehicular crossing and nature strip must be maintained in a good, safe, clean condition and free from any excavations, obstructions, trip hazards, goods, materials, soils or debris at all times. Any damage caused to the road, footway, vehicular crossing, nature strip or any public place must be repaired immediately, to the satisfaction of Council.
- d) Building operations such as brick cutting, washing tools or equipment and mixing mortar are not permitted on public footpaths, roadways, nature strips, in any public place or any location which may lead to the discharge of materials into the stormwater drainage system.
- e) Sediment and erosion control measures, must be implemented throughout the site works in accordance with the manual for Managing Urban Stormwater – Soils and Construction, published by Landcom, to Council's satisfaction.
- f) Site fencing, building materials, bulk bins/waste containers and other articles must not be located upon the footpath, roadway or nature strip at any time without the prior written approval of the Council. Applications to place a waste container in a public place can be made to Council's Health, Building and Regulatory Services department.
- g) Temporary safety fencing is to be provided to any swimming pools under construction, pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

#### **Support of Adjoining Land, Excavations & Retaining Walls**

- 31. In accordance with section 80 A (11) of the *Environmental Planning & Assessment Act 1979* and clause 98 E of the *Environmental Planning & Assessment Regulation 2000*, it is a prescribed condition that the adjoining land and buildings located upon the adjoining land must be adequately supported at all times.
- 32. All excavations and backfilling associated with the erection or demolition of a building must be executed safely in accordance with appropriate professional standards and excavations must be properly guarded and supported to prevent them from being dangerous to life, property or buildings.

Retaining walls, shoring or piling must be provided to support land which is excavated in association with the erection or demolition of a building, to prevent the movement of soil and to support the adjacent land and buildings, if the soil conditions require it. Adequate provisions are also to be made for drainage.

Details of proposed retaining walls, shoring, piling or other measures are to be submitted to and approved by the Principal Certifying Authority.
- 33. Prior to undertaking any demolition, excavation or building work in the following circumstances, a report must be obtained from a *professional engineer* which

details the methods of support for the dwelling or associated structure on the adjoining land, to the satisfaction of the *Principal Certifying Authority*:

- when undertaking excavation or building work within the zone of influence of the footings of a dwelling or associated structure that is located on the adjoining land;
- when undertaking demolition work to a wall of a dwelling that is built to a common or shared boundary (e.g. semi-detached or terrace dwelling);
- when constructing a wall to a dwelling or associated structure that is located within 900mm of a dwelling located on the adjoining land;
- as may be required by the *Principal Certifying Authority*.

The demolition, excavation and building work and the provision of support to the dwelling or associated structure on the adjoining land, must also be carried out in accordance with the abovementioned report, to the satisfaction of the *Principal Certifying Authority*.

#### **Building Encroachments**

34. There must be no encroachment of any structures or building work onto Council's road reserve, footway, nature strip or public place.

#### **Tree Management**

35. Due to their small size and insignificance, no objections are raised to removing any vegetation throughout the site, including the dead tree in the rear yard, towards the southwest corner, so as to accommodate the works as shown, but is subject to full implementation of the approved landscaping.

#### **Road / Asset Opening Permit**

36. A Road / Asset Opening Permit must be obtained from Council prior to carrying out any works within or upon a road, footpath, nature strip or in any public place, in accordance with section 138 of the Roads Act 1993 and all of the conditions and requirements contained in the Road / Asset Opening Permit must be complied with.

The owner/builder must ensure that all works within or upon the road reserve, footpath, nature strip or other public place are completed to the satisfaction of Council, prior to the issuing of a final occupation certificate for the development.

For further information, please contact Council's Road / Asset Opening Officer on 9399 0691 or 9399 0999.

#### **REQUIREMENTS PRIOR TO THE ISSUE OF AN OCCUPATION CERTIFICATE**

The following conditions of consent must be complied with prior to the *'Principal Certifying Authority'* issuing an *'Occupation Certificate'*.

*Note: For the purpose of this consent, any reference to 'occupation certificate' shall also be taken to mean 'interim occupation certificate' unless otherwise stated.*

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council's development consent and to maintain reasonable levels of public health, safety and amenity.

#### **Occupation Certificate Requirements**

37. An Occupation Certificate must be obtained from the Principal Certifying Authority prior to any occupation of the building work encompassed in this development consent (including alterations and additions to existing buildings), in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979*.

An Occupation Certificate must not be issued for the development if the development is inconsistent with the development consent. The relevant requirements of the *Environmental Planning & Assessment Act 1979* and conditions of development consent must be satisfied prior to the issuing of an occupation certificate.

#### **BASIX Requirements**

38. In accordance with Clause 154B of the *Environmental Planning & Assessment Regulation 2000*, a Certifying Authority must not issue an Occupation Certificate for this development, unless it is satisfied that each of the required BASIX commitments have been fulfilled.

Relevant documentary evidence of compliance with the BASIX commitments is to be forwarded to the Council upon issuing an Occupation Certificate.

#### **Swimming Pool Safety**

39. Swimming pools are to be designed and installed in accordance with the relevant requirements of the *Building Code of Australia* and be provided with childproof fences and self-locking gates, in accordance with the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

The swimming pool is to be surrounded by a fence having a minimum height of 1.2m, that separates the pool from any *residential building* (as defined in the *Swimming Pools Act 1992*) that is situated on the premises and from any place (whether public or private) adjoining the premises; and that is designed, constructed and installed in accordance with Australian Standard AS 1926.1 – 2012 (Swimming Pool Safety Part 1 - Safety Barriers for Swimming Pools).

Gates to pool area shall be a maximum width of 1 metre, and be self-closing and latching; the gate is required to open outwards from the pool area and prevent a small child opening the gate or door when the gate or door is closed.

Temporary pool safety fencing is to be provided pending the completion of all building work and the pool must not be filled until a fencing inspection has been carried out and approved by the principal certifying authority.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

*Note: This development consent does not approve the design and location of swimming pool fencing and other swimming pool safety barriers. Swimming pool fencing and other safety barriers are required to comply with the Swimming Pools Act 1992 and Swimming Pools Regulation 2008. Details of compliance are required to be incorporated into the plans and specifications for a Construction Certificate, to the satisfaction of the Certifying Authority.*

#### **Spa Pool Safety**

40. Spa pools are to be designed and installed in accordance with the relevant provisions of the *Building Code of Australia* and be provided with a child resistant barrier, in accordance with the provisions of the *Swimming Pools Act 1992* and the *Swimming Pools Regulation 2008*.

A 'warning notice' must be erected in a prominent position in the immediate vicinity of the swimming pool, in accordance with the provisions of the *Swimming Pools Regulation 2008*, detailing pool safety requirements, resuscitation techniques and the importance of the supervision of children at all times.

**Swimming Pool & Spa Pool Requirements**

41. Swimming pools (and spa pools) are to be designed, installed and operated in accordance with the following general requirements:
- a) Backwash of the pool filter and other discharge of water is to be drained to the sewer in accordance with the requirements of the Sydney Water Corporation; and
  - b) All pool overflow water is to be drained away from the building and adjoining premises, so as not to result in a nuisance or damage to premises; and
  - c) Water recirculation and filtrations systems are required to comply with AS 1926.3 – 2010: Swimming Pool Safety – Water Recirculation and Filtration Systems; and
  - d) Pool plant and equipment is to be enclosed in a sound absorbing enclosure or installed within a building, to minimise noise emissions and possible nuisance to nearby residents.

**Notification of Swimming Pools & Spa Pools**

42. The owner of the premises must 'register' the swimming pool [or spa pool] on the NSW Swimming Pool Register, in accordance with the *Swimming Pools Amendment Act 2012*.

The Swimming Pool Register is administered by the NSW Government, Department of Premier & Cabinet, Division of Local Government and registration on the Swimming Pool Register may be made on-line via their website [www.swimmingpoolregister.nsw.gov.au](http://www.swimmingpoolregister.nsw.gov.au).

Registration must be made before the issue of an Occupation Certificate for the pool.

**Council's Infrastructure, Vehicular Crossings, street verge**

43. The applicant must meet the full cost for a Council approved contractor to:
- a. Reconstruct the concrete vehicular crossing opposite the vehicular entrance to the site to Council's specifications and requirements.
  - b. Construct new concrete steps and footpath between the vehicular crossing and the western pedestrian gate entrance to Council's specifications and requirements.
  - c. Regrade and returf Council's nature strip, as required by Council, along the site frontage to suit the new footpath/step levels on Council's nature strip. The works are to be to council's specifications and requirements. This may include the owner meeting the cost for lowering of public utility services.

Note: Should the proposed Council footpath/step works in front of the development site commence after completion of the adjoining developments (No. 3 Edgecliffe Ave) construction of the retaining wall on Council property then the owner/applicant is to meet all costs associated with removing the subject retaining wall.

44. The applicant must meet the full cost for Council or a Council approved contractor to repair/replace any damaged sections of Council's footpath, kerb & gutter, nature strip etc which are due to building works being carried out at the above site. This includes the removal of cement slurry from Council's footpath and roadway.
45. All external civil work to be carried out on Council property (including the installation and repair of roads, footpaths, vehicular crossings, kerb and guttering and drainage works), must be carried out in accordance with Council's Policy for

“Vehicular Access and Road and Drainage Works” and the following requirements:

- a) All work on Council land must be carried out by Council, unless specific written approval has been obtained from Council to use non-Council contractors.
- b) Details of the proposed civil works to be carried out on Council land must be submitted to Council in a Pre-paid Works Application Form, prior to an occupation certificate being issued for the development, together with payment of the relevant fees.
- c) If it is proposed to use non-Council contractors to carry out the civil works on Council land, the work must not commence until the written approval has been obtained from Council and the work must be carried out in accordance with the conditions of consent, Council’s design details and payment of a Council design and supervision fee.
- d) The civil works must be completed in accordance with Council’s conditions of consent and approved design and construction documentation, prior to occupation of the development, or as otherwise approved by Council in writing.

#### **Landscaping**

46. The PCA must ensure that landscaping at this site has been installed in accordance with the approved plan and relevant conditions of consent, prior to the issue of any Occupation Certificate, with the owner to maintain it in a healthy and vigorous state until maturity.
47. Suitable strategies shall be implemented to ensure that the landscaping is maintained in a healthy and vigorous state until maturity, for the life of the development.
48. The nature-strip upon Council's footway shall be excavated to a depth of 150mm, backfilled with topsoil equivalent with 'Organic Garden Mix' as supplied by Australian Native Landscapes, and re-turfed with Kikuyu Turf or similar. Such works shall be installed prior to the issue of a final Occupation Certificate.

#### **OPERATIONAL CONDITIONS**

The following operational conditions must be complied with at all times, throughout the use and operation of the development.

These conditions have been applied to satisfy the relevant requirements of the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, Council’s development consent and to maintain reasonable levels of public health and environmental amenity.

#### **Use of premises**

49. The premises must only be used as a single residential dwelling and must not be used for dual or multi-occupancy purposes.
50. The car spaces within the development are for the exclusive use of the occupants of the building. The car spaces must not be leased to any person/company that is not an occupant of the building.

#### **External Lighting**

51. External lighting to the premises must be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

#### **Plant & Equipment**

52. The operation of all plant and equipment upon the premises shall not give rise to an 'offensive noise' as defined in the *Protection of the Environment Operations Act 1997 and Regulations*.

In this regard, the operation of the plant and equipment shall not give rise to an  $L_{Aeq, 15 \text{ min}}$  sound pressure level at any affected premises that exceeds the background  $L_{A90, 15 \text{ min}}$  noise level, measured in the absence of the noise source/s under consideration by more than 5dB(A) in accordance with relevant NSW Office of Environment & Heritage (EPA) Noise Control Guidelines.

#### **Swimming/Spa Pools**

53. The pool plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 8.00pm on any Sunday or public holiday; or
- before 7.00am or after 8.00pm on any other day.

#### **Air Conditioners**

54. Air conditioning plant and equipment shall not be operated during the following hours if the noise emitted can be heard within a habitable room in any other residential premises, or, as otherwise specified in relevant Noise Control Regulations:

- before 8.00am or after 10.00pm on any Saturday, Sunday or public holiday; or
- before 7.00am or after 10.00pm on any other day.

#### **Rainwater Tanks**

55. The operation of plant and equipment associated with rainwater tanks are to be restricted to the following hours if the noise emitted can be heard within a habitable room in any other residential premises:

- before 8.00am or after 8.00pm on weekends or public holiday; or
- before 7.00am or after 8.00pm on weekdays.

#### **ADVISORY NOTES**

The following information is provided for your assistance to ensure compliance with the *Environmental Planning & Assessment Act 1979*, *Environmental Planning & Assessment Regulation 2000*, or other relevant legislation and Council's policies. This information does not form part of the conditions of development consent pursuant to Section 80A of the Act.

- A1 The requirements and provisions of the *Environmental Planning & Assessment Act 1979* and *Environmental Planning & Assessment Regulation 2000*, must be fully complied with at all times.

Failure to comply with these requirements is an offence, which renders the responsible person liable to a maximum penalty of \$1.1 million. Alternatively, Council may issue a penalty infringement notice (for up to \$3,000) for each offence. Council may also issue notices and orders to demolish unauthorised or non-complying building work, or to comply with the requirements of Council's development consent.

- A2 This determination does not include an assessment of the proposed works under the Building Code of Australia (BCA) and other relevant Standards. All new building work (including alterations and additions) must comply with the BCA and relevant Standards and you are advised to liaise with your architect, engineer and building consultant prior to lodgement of your construction certificate.

- A3 In accordance with the requirements of the *Environmental Planning & Assessment Act 1979*, building works, including associated demolition and excavation works (as applicable) must not be commenced until:
- A *Construction Certificate* has been obtained from an Accredited Certifier or Council,
  - An Accredited Certifier or Council has been appointed as the *Principal Certifying Authority* for the development,
  - Council and the Principal Certifying Authority have been given at least 2 days' notice (in writing) prior to commencing any works.
- A4 Council's Building Certification & Fire Safety team can issue your *Construction Certificate* and be your *Principal Certifying Authority* for the development, to undertake inspections and ensure compliance with the development consent, relevant building regulations and standards of construction. For further details contact Council on 9399 0944.
- A5 A Local Approval application must be submitted to and be approved by Council prior to commencing any of the following activities on a footpath, road, nature strip or in any public place:
- Install or erect any site fencing, hoardings or site structures
  - Operate a crane or hoist goods or materials over a footpath or road
  - Placement of a waste skip or any other container or article.
- For further information please contact Council on 9399 0944.
- A6 Specific details of the location of the building/s should be provided in the Construction Certificate to demonstrate that the proposed building work will not encroach onto the adjoining properties, Council's road reserve or any public place.
- A7 Prior to commencing any works, the owner/builder should contact *Dial Before You Dig* on 1100 or [www.dialbeforeyoudig.com.au](http://www.dialbeforeyoudig.com.au) and relevant Service Authorities, for information on potential underground pipes and cables within the vicinity of the development site.
- A8 This consent does not authorise any trespass or encroachment upon any adjoining or supported land or building whether private or public. Where any underpinning, shoring, soil anchoring (temporary or permanent) or the like is proposed to be carried out upon any adjoining or supported land, the land owner or principal contractor must obtain:
- the consent of the owners of such adjoining or supported land to trespass or encroach, or
  - an access order under the *Access to Neighbouring Land Act 2000*, or
  - an easement under section 88K of the *Conveyancing Act 1919*, or
  - an easement under section 40 of the *Land & Environment Court Act 1979*, as appropriate.
- Section 177 of the *Conveyancing Act 1919* creates a statutory duty of care in relation to support of land. Accordingly, a person has a duty of care not to do anything on or in relation to land being developed (the supporting land) that removes the support provided by the supporting land to any other adjoining land (the supported land).
- A9 Smoke alarms are required to be installed in all residential dwellings, in accordance with the relevant provisions of the *Environmental Planning & Assessment Act 1979* and the Building Code of Australia. Details should be



included in the construction certificate application.

A10 Demolition work and removal of asbestos materials:

- *A copy of Council's Asbestos Policy is available on Council's web site at [www.randwick.nsw.gov.au](http://www.randwick.nsw.gov.au) in the Building & Development section or a copy can be obtained from Council's Customer Service Centre.*
- *It is the responsibility of the persons undertaking demolition work to obtain the relevant WorkCover licences and permits.*

A11 Any external lighting to the premises should be designed and located so as to minimise light-spill beyond the property boundary or cause a public nuisance.

A12 Building owners and occupiers should consider implementing appropriate measures to prevent children from falling from high-level window openings and balconies (e.g. by installing window locking devices; installing heavy-duty screens to window openings; limiting the dimensions of any openings to 125mm; ensuring balustrades to balconies are at least 1m high and; locating fixtures, fittings and furniture away from high-level windows and balconies).

For further information about preventing falls from windows and balconies refer to [www.health.nsw.gov.au/childsafety](http://www.health.nsw.gov.au/childsafety) or pick-up a brochure from Council's Customer Service Centre.

A13 Underground assets (e.g. pipes, cables etc.) may exist in the area that is subject to your application. In the interests of health and safety and in order to protect damage to third party assets please contact Dial before you dig at [www.1100.com.au](http://www.1100.com.au) or telephone on 1100 before excavating or erecting structures (This is the law in NSW). If alterations are required to the configuration, size, form or design of the development upon contacting the Dial before You Dig service, an amendment to the development consent (or a new development application) may be necessary. Individuals owe asset owners a duty of care that must be observed when working in the vicinity of plant or assets. It is the individual's responsibility to anticipate and request the nominal location of plant or assets on the relevant property via contacting the Dial before you dig service in advance of any construction or planning activities.

A14 The applicant is to advise Council in writing and/or photographs of any signs of existing damage to the Council roadway, footway, or verge prior to the commencement of any building/demolition works.

A15 Further information and details on Council's requirements for trees on development sites can be obtained from the recently adopted Tree Technical Manual, which can be downloaded from Council's website at the following link, <http://www.randwick.nsw.gov.au> - Looking after our environment – Trees – Tree Management Technical Manual; which aims to achieve consistency of approach and compliance with appropriate standards and best practice guidelines.

**MOTION: (Andrews/Garcia)** that application be approved in accordance with the staff recommendation, subject to the following additional conditions:

1. The proposed pool cabana is to be below the height of the 1.2 metre fence line from 1 Edgecliffe Avenue.
2. The proposed skillion roof at the proposed top level shall be a maximum height of RL 55.90.
3. Amend Condition 23 (e) to read:

"The tree shown for the rear yard, adjacent to the southwest corner of the new dwelling, will not exceed 3 metres in height at maturity.

**AMENDMENT: (Matson/Shurey)** that application be approved in accordance with the staff recommendation, subject to the following additional conditions:

1. The proposed pool cabana is to be below the height of the 1.2 metre fence line from 1 Edgecliffe Avenue.
2. Amend Condition 23 (e) to read:  
"The tree shown for the rear yard, adjacent to the southwest corner of the new dwelling, will not exceed 3 metres in height at maturity. **LOST.**"

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Neilson	Councillor Belleli
Councillor Shurey	Councillor Bowen
Councillor Stevenson	Councillor D'Souza
	Councillor Garcia
	Councillor Moore
	Councillor Nash
	Councillor Roberts
	Councillor Seng
	Councillor Smith
	Councillor Stavrinis
<b>Total (4)</b>	<b>Total (11)</b>

**AMENDMENT: (Moore/Stavrinis) CARRIED AND BECAME THE MOTION.**

The **DIVISION** on the amendment was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Moore	Councillor Nash
Councillor Neilson	Councillor Stevenson
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinis	
<b>Total (10)</b>	<b>Total (5)</b>

**MOTION (Moore/Stavrinis) CARRIED - SEE RESOLUTION.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Belleli	Councillor Andrews
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Moore	Councillor Stevenson
Councillor Nash	

Councillor Neilson  
 Councillor Roberts  
 Councillor Seng  
 Councillor Shurey  
 Councillor Smith  
 Councillor Stavrinou

**Total (11)**

**Total (4)**

**AMENDMENT: (Stevenson/Matson)** that the height of the cabana roof be lowered by 270mm. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor D'Souza	Councillor Bowen
Councillor Garcia	Councillor Moore
Councillor Matson	Councillor Neilson
Councillor Nash	Councillor Roberts
Councillor Stevenson	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
<b>Total (6)</b>	<b>Total (9)</b>

**AMENDMENT (Stevenson/Nil)** that the cabana roof be removed altogether. **LAPSED FOR THE WANT OF A SECONDER.**

**CP13/17 Director City Planning Report - 19 Mermaid Avenue, Maroubra (DA/958/2016)**

43/17

**RESOLUTION: (Andrews/Stavrinou) –**

- A. That Council supports the exceptions to development standards under Clause 4.6 of Randwick Local Environmental Plan 2012 in respect to non-compliance with Clause 4.3 of Randwick Local Environmental Plan 2012, relating to the height control respectively, on the grounds that the proposed development complies with the objectives of the above clauses, and will not adversely affect the amenity of the locality, and that the Department of Planning & Infrastructure be advised accordingly.
- B. That Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No.958/2016 for the demolition of the existing dwelling and construction of a part two, part 4 level dwelling with double garage and car lift to front, swimming pool to rear and associated landscaping and site works at No.19 Mermaid Avenue, Maroubra, subject to the following non standard conditions and the standard conditions contained in the development application compliance report attached to this report:

**Non standard conditions**

**Amendment of Plans & Documentation**

2. The approved plans and documents must be amended in accordance with the following requirements:

- a. A louvred privacy screen having a minimum height of 1.5m above floor level must be provided to the following areas;
  - i) For a length of 1m extending beyond the column adjoining the planter box along the northern side of Level 2 to assist in screening the access way to the master terrace.
  - ii) A 1m long privacy screen along the northern side of the ground floor terrace to screen part of the staircase leading up to the living area on Level 1.
- b. All privacy screens must be constructed of metal or timber and the total area of any openings within the privacy screen must not exceed 25% of the area of the screen. Alternatively, the privacy screen may be constructed with translucent, obscured, frosted or sandblasted glazing in a suitable frame. The screens are to fixed and be angled so that you cannot look down to any areas of private open space or through to any key habitable areas.
- c. The eastern most panel of the main staircase (adjacent to the landing) shall be constructed of obscure glazing or include a full length external fixed privacy screen to reduce the potential for overlooking to No.17. This reduces the potential for perceived overlooking and breaks up the extent of glazing along this side.
- d. The walkway leading out to the master terrace on Level 2 shall be cutback by 3.5m from the east so that the viewing platform/area is removed and replaced with planting and access is provided only to the terrace area to the south.
- e. Any new side boundary fencing shall be designed to be stepped down the site and shall be constructed of solid materials (preferably of timber) and options discussed with the adjoining neighbours to ensure mutual agreement.
- f. The rear boundary fence shall be a low scale fence to a maximum height of 1.5m (so as to reduce the height and scale of this structure to the foreshore) and should be constructed of materials that are sympathetic to the foreshore (preferably timber).
- g. No access shall be provided from the rear to the foreshore.

### **Tree Management**

41. Approval is granted for the removal of all existing vegetation within the subject site, due both to being undesirable environmental weeds, as well as their direct conflict with all aspects of the works as shown, and is subject to full implementation of the approved landscaping:
  - a) The *Draceana marginata* (Draceana) on the verge, against the front fence/northern edge of the existing driveway, during works for the new vehicle crossing in this same area as shown;
  - b) The group of self-seeded shrubs/small trees about halfway along the length of the northern site boundary, hard up against the northeast corner of the existing dwelling, being three *Phoenix canariensis* (Canary Island Date Palms) and a *Lagunaria patersonii* (Norfolk Island Hibiscus), as all are environmental weeds/undesirable species, and are also in direct conflict with the significant earthworks and new footprint that are shown for this same area of the site;
  - c) In the rear setback, along the southern site boundary, beyond the

southeast corner of the existing dwelling, the *Metrosideros excelsa* (Pohutakawa), given it is which is an exotic species of no value to the local environment or native fauna, which is also in direct conflict with the pool and pool terrace area, along with the self-seeded *Phoenix canariensis* (Canary Island Date Palm) to its northeast.

**MOTION: (Smith/Nash) CARRIED UNANIMOUSLY – SEE RESOLUTION.**

**CP14/17 Director City Planning Report - 4 Conway Avenue, Randwick  
(DA/629/2016)**

44/17

**RESOLUTION: (Smith/Nash)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 629/2016 for alterations and additions to the existing dwelling house at No. 4 Conway Avenue, Randwick subject to the standard conditions contained in the development application compliance report.

**MOTION: (Matson/Andrews)** that this application be deferred for mediation on the architectural design changes to increase the solar access to the rear yard and side windows of the adjacent property.

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Nash	Councillor Moore
Councillor Shurey	Councillor Neilson
Councillor Stavrinou	Councillor Roberts
Councillor Stevenson	Councillor Seng
	Councillor Smith
<b>Total (7)</b>	<b>Total (8)</b>

**MOTION: (Smith/Nash) CARRIED - SEE RESOLUTION.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Garcia	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (14)</b>	<b>Total (1)</b>

**CP15/17 Director City Planning Report - 343 Anzac Parade, Kingsford  
Fire & Rescue NSW Report (F2017/06103)**

45/17 **RESOLUTION: (Stavrinos/Andrews)** that Council investigate the concerns raised by FRNSW and if necessary, issue the relevant Fire Safety Notice/Order to address the levels of fire safety within the subject building.

**MOTION: (Stavrinos/Andrews) CARRIED - SEE RESOLUTION.**

**CP16/17 Director City Planning Report - Replacement of Alternate Delegate  
on Sydney Planning Panel (F2004/08420)**

46/17 **RESOLUTION: (Andrews/Bowen)** that Council:

- a) appoints Councillor Kathy Neilson as the replacement alternate delegate to the Sydney Planning Panel effective immediately until 30 September 2017;
- b) advise the Department of Planning and Environment of the replacement alternate delegate together with written acknowledgment from Councillor Neilson that she will comply with the requirements of the recently revised *Planning Panels Code of Conduct (September 2016)*; and
- c) re-affirm that Councillors be remunerated a maximum of \$600.00 per meeting to prepare for and attend Panel meetings.

**MOTION: (Andrews/Bowen) CARRIED - SEE RESOLUTION.**

**CP17/17 Director City Planning Report - Cultural and Community Grants  
Program - Recommended Allocations - March 2017 (F2009/00182)**

47/17 **RESOLUTION: (Matson/Stevenson)** that:

- (a) Council approves the allocation of Cultural and Community Program funds totaling \$55,345.75 to be allocated to the recommended grant applicants as listed in the attachment to the report; and
- (b) that Council agrees to meet the non-financial components of the request from the 'Friends of Malabar Headland' which is the in-kind printing of pamphlets and use of the Council bus, to be funded from the Council contingency fund.

**MOTION: (Shurey/Matson)** that Council approves the allocation of Cultural and Community Program funds totaling \$55,345.75 to be allocated to the recommended grant applicants as listed in the attachment to the report and also approve the application from the 'Friends of Malabar Headland' to be funded from the Council contingency fund.

**AMENDMENT: (Moore/Andrews)** that Council approves the allocation of Cultural and Community Program funds totaling \$55,345.75 to be allocated to the recommended grant applicants as listed in the attachment to the report. **CARRIED AND BECAME THE MOTION.**

**AMENDMENT: (Matson/Stevenson) CARRIED AND BECAME THE MOTION.**

**MOTION: (Matson/Stevenson) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CP18/17 Director City Planning Report - CBD and South East Light Rail  
(CSLER) Stop Names (F2014/00453)**

48/17

**RESOLUTION: (Andrews/Stavrinos)** that:

- a) Council considers the RCC proposed names;
- b) the following name options for each stop, as suggested at the Council meeting, be placed in Council's 'Have Your Say' website for community consultation and feedback for 14 days:

**RANDWICK ALIGNMENT**

Stop names proposed by TfNSW	Stop names proposed by RCC
Centennial Park	<b>Centennial Parklands</b> <b>Randwick Racecourse</b> <b>Royal Randwick Racecourse</b>
Wansey Cottage	<b>Constitution Hill</b> Name taken from 1860 and 1930's Royal Randwick Racecourse site plans. <b>Randwick Stables</b>
UNSW High Street	<b>UNSW High Street</b>
Randwick	<b>Randwick Junction</b> <b>Prince of Wales Hospital</b>

**KENSINGTON/KINGSFORD ALIGNMENT**

Stop names proposed by TfNSW	Stop names proposed by RCC
ES Marks	<b>Kensington</b>
Kensington	<b>Todman Square</b> <b>Derby Place</b> Royal Randwick Racecourse <i>Derby's Corner</i> was located at the end of Todman Avenue on the racecourse site as shown in an 1860 site plan. <b>Kensington</b>
UNSW Anzac Parade	<b>UNSW Anzac Parade</b> <b>AIF Camp Site</b>
Kingsford	<b>Kingsford</b> <b>O'Deas Corner</b> Named after O'Deas Corner historical building at the south east corner of Anzac Parade and Middle Street, built in 1912.
Nine Ways	<b>Kingsford Junction</b> <b>Juniors at Kingsford</b> <b>9 Ways Kingsford</b>

- c) a report on the community feedback be brought back to Council to finalise the list of preferred names; and
- d) Council's preferred names for the stops be submitted to TfNSW for consideration.

**MOTION: (Andrews/Stavrinos) CARRIED - SEE RESOLUTION.**

## General Manager's Reports

Nil.

## Director City Services Reports

Nil.

## Director Governance & Financial Services Reports

### **GF6/17 Director Governance & Financial Services Report - 2017 National General Assembly of Local Government (F2014/00272)**

49/17

**RESOLUTION: (Andrews/Stavrinos)** that:

- a) Council endorses the attendance of interested Councillors at the 2017 National General Assembly in Canberra; and
- b) any Councillors interested in attending 2017 National General Assembly of Local Government advise the General Manager as soon as possible for registration purposes.

**MOTION: (Andrews/Stavrinos) CARRIED - SEE RESOLUTION.**

### **GF7/17 Director Governance & Financial Services Report - Investment Report - February 2017 (F2015/06527)**

50/17

**RESOLUTION: (Andrews/Stavrinos)** that the investment report for February 2017 be received and noted.

**MOTION: (Andrews/Stavrinos) CARRIED - SEE RESOLUTION.**

### **GF8/17 Director Governance & Financial Services Report - Proposed Commercial Terms - Community and High Performance Centre, Heffron Park (PROJ/10812)**

51/17

**RESOLUTION: (Andrews/Stavrinos)** that:

- (a) Council endorse the attached Terms Sheet;
- (b) Council commence preparation of an Agreement for Lease and Lease for the Community and High Performance Centre, with a report to be brought back to Council; and
- (c) the General Manager be delegated authority to sign the Terms Sheet on behalf of Council and forward to Souths.

**MOTION: (Shurey/Matson)** that Council halt negotiations on this project as no funds have been forthcoming from the State Government. **LOST.**

**MOTION: (Andrews/Stavrinos) CARRIED - SEE RESOLUTION.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Matson
Councillor Belleli	Councillor Moore



Councillor Bowen	Councillor Shurey
Councillor D'Souza	Councillor Smith
Councillor Garcia	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Stavrinou	
Councillor Stevenson	

**Total (11)**

**Total (4)**

## Petitions

Nil.

## Motions Pursuant to Notice

### **NM16/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Use of Non-Regulatory Council Functions for Power Bill Relief (F2012/00581)**

52/17

**RESOLUTION: (Matson/Shurey)** that Council set up a committee comprising interested Councillors and residents to explore how our existing non-regulatory functions might be used to facilitate partnerships with community cooperatives, domestic solar equipment buyer's clubs, other Councils, emerging solar and wind farms in Australia and other appropriate entities or solutions capable of providing power bill relief for our residents and local businesses.

**MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**

### **NM17/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Additional Objective for Resolved POM for the Contaminated Land at Bundock Street (F2014/00453)**

53/17

**RESOLUTION: (Matson/Shurey)** that Council's resolution (28 February 2017) to seek a Plan of Management (POM) with the Federal Government to achieve the long-term stabilisation of the contaminated Bundock Street site be augmented with the following additional objective for the POM:

- That any development or disturbance of the site in the short or long term is only undertaken after:
  - (i) an independent traffic impact study has determined the requirements during and after any such development, to ensure maximum safety, minimal noise and other disturbance for adjacent residents;
  - (ii) an independent contamination consultant has identified any risks posed to adjacent residents from disturbance of all contaminants on this site with specific assessment of windblown dust and water runoff issues and has made recommendations to eliminate all identified risks; and
  - (iii) all recommendations resulting from 1 & 2 above are fully implemented.

**MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**

### **NM18/17 Motion Pursuant to Notice - Notice of Motion from Cr Stavrinou - Litter Legislation and Campaigns (F2004/07259)**

54/17

**RESOLUTION: (Stavrinou/Andrews)** that Council write to the NSW Minister for Environment, the Hon. Gabrielle Upton, requesting that:

- a) the State Government allocate more funding and resources towards general litter campaigns, aimed at educating people on how to dispose of litter;
- b) fines and penalties relating to general litter be increased as a deterrent;
- c) legislation be amended under the Graffiti Control Act (2008) targeting advertising/bill posters and material, which is placed on public property, with penalties and fines being allocated for such offences; and
- d) local Councils be given greater powers in the enforcement of such laws, including being able to bring legal action against persons/parties responsible for breaking general litter laws.

**MOTION: (Stavrinou/Andrews) CARRIED - SEE RESOLUTION.**

**RESOLVED (PROCEDURAL MOTION): (Neilson/Shurey)** that the meeting be extended until 12.30am.

**NM19/17 Motion Pursuant to Notice - Notice of Motion from Cr Moore -  
Randwick City "Hollows for Homes" (F2004/06468)**

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55/17

**RESOLUTION: (Moore/Bowen)** that Council support the Royal Botanic Gardens "Hollows for Homes" program:

- a) that seeks to;
  - i) record, document and analyse the location, type and number of tree hollows that play such an important, yet somewhat poorly monitored, role in the health of local flora and fauna, being especially important for birds, mammals, reptiles, amphibians, insects and spiders, and
  - ii) advise on local habitat trees, provide data to plan for future habitat trees and support addressing missing or deficient habitat with supplementary solutions;
- b) by establishing an appropriate local campaign aligned to the "Hollows for Homes" program, timelines and objectives;
- c) by making approaches to local community organisations, active in Community Gardening, Bush Care, Friends of "Places" Precinct, and other appropriate organisations involved in caring, protecting and enhancing local environments to participate in the data gathering and recording;
- d) through promoting the campaign via the Council's regular communications channels; and
- e) with a view to use the data collected to inform the Council and its interested support groups in its local flora and fauna management plan and activities.

**MOTION: (Moore/Bowen) CARRIED - SEE RESOLUTION.**

**NM20/17 Motion Pursuant to Notice - Notice of Motion from Cr Roberts -  
Coogee Beach Volleyball Equipment Storage Box (F2009/08286)**

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56/17

**RESOLUTION: (Roberts/Smith)** that:

- a) Council note the Coogee Beach Volleyball Association have been officially playing volleyball at Coogee Beach with Council permission for 8 years;
- b) Council note the recent request by the Association for permission to place an equipment storage box no bigger than 1.5m long, 60cm wide, and 60cm high near their playing area;
- c) the General Manager be instructed to bring a report back to Council on the need for storage facilities at the northern end of the beach for a range of community groups; and
- d) noting Council's in-principle support for the provision of storage means for the Coogee Beach Volleyball Association, Council liaise with the Association, Coogee Precinct Committee, Coogee Surf Club and other beach users to assist in the preparation of this report.

**MOTION: (Roberts/Smith) CARRIED - SEE RESOLUTION.**

**AMENDMENT: (Neilson/Matson)** that Council not provide its in-principle support for the provision of storage means for the Coogee Beach Volleyball Association at this point in time. **LOST.**

A **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Matson	Councillor Garcia
Councillor Moore	Councillor Nash
Councillor Neilson	Councillor Roberts
Councillor Shurey	Councillor Seng
Councillor Stevenson	Councillor Smith
	Councillor Stavrinou
<b>Total (7)</b>	<b>Total (8)</b>

**NM21/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Eliciting Local MP's to Back a State Government Policy of Rejecting Spot Rezoning in the Kensington and Kingsford Town Centres (F2015/00419)**

57/17

**RESOLUTION: (Matson/Shurey)** that the urgent stated public backing of the MP's for Maroubra, Heffron, Coogee and Kingsford Smith be elicited for a Council appeal to the State Government that it adopt a policy of rejecting private random spot rezonings for high rise towers along the Anzac Parade corridor defined by the Kensington and Kingsford town centres.

**MOTION: (Matson/Shurey) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**AMENDMENT: (Bowen/Andrews)** that the urgent stated public backing from the State Government MP for Coogee be elicited for a Council appeal to the State Government that it adopt a policy of rejecting private random spot rezonings for high rise towers along the Anzac Parade corridor defined by the Kensington and Kingsford town centres. **LOST.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Belleli
Councillor Bowen	Councillor Matson
Councillor D'Souza	Councillor Nash
Councillor Garcia	Councillor Neilson
Councillor Moore	Councillor Roberts
Councillor Stevenson	Councillor Seng
	Councillor Shurey
	Councillor Smith
	Councillor Stavrinou
<b>Total (6)</b>	<b>Total (9)</b>

**NM22/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Signage Campaign for a State Government Policy of Rejecting Spot Rezoning's in the Kensington and Kingsford Town Centres (F2015/00419)**

58/17

**RESOLUTION: (Bowen/Stavrinou)** that:

- (a) the General Manager be delegated to run a main stream and social media campaign (backed by both appropriate street signage and paid adds) calling on the State Government to block random spot rezonings in the Anzac Parade corridor and adjacent streets defined by the Kensington and Kingsford Town Centres; and
- (b) in light of the EMM report, call on the State government to reject any spot rezoning along the Anzac Parade light rail corridor in Kensington and Kingsford until such time as the light rail is fully operational.

**MOTION: (Matson/Shurey)** that the General Manager be delegated to run a main stream and social media campaign (backed by both appropriate street signage and paid advertisements) calling on the State Government to block random spot rezonings in the Anzac Parade corridor and adjacent streets defined by the Kensington and Kingsford Town Centres.

**AMENDMENT: (Bowen/Stavrinou) CARRIED AND BECAME THE MOTION. MOTION CARRIED – SEE RESOLUTION.**

**NM23/17 Motion Pursuant to Notice - Notice of Motion from Cr Matson - Baker Park Fencing (F2006/00538)**

59/17

**RESOLUTION: (Matson/Shurey)** that Council notes the petition calling for fencing on the Dudley Street border of Baker Park to enhance the safety of park users (including dogs), nearby pedestrians and motorists on Dudley Street and engages with local residents to assess an appropriate capital works program.

**MOTION: (Matson/Shurey) CARRIED - SEE RESOLUTION.**

### Confidential Reports

The meeting moved into closed session in order to consider confidential items.

### Closed Session

**CS2/17 Confidential - T2017-10 - Tender - Des Renford Leisure Centre Heat Pump Replacement (F2016/00498)**

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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60/17 **RESOLUTION: (Smith/Stavrinos)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, Image Air Conditioning be accepted as the successful tenderer for a lump sum price of \$253,870 (ex GST);
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

**MOTION: (Smith/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**CS3/17 Confidential - T2017-11 - Tender - Malabar Headland Coastal Walkway (F2016/00502)**

*This matter is considered to be confidential under Section 10A(2) (c) Of the Local Government Act, as it deals with information that would, if disclosed, confer a commercial advantage on a person with whom the Council is conducting (or proposes to conduct) business.*

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61/17 **RESOLUTION: (Smith/Stavrinos)** that:

- a) under Regulation 178(1)(a) of the Local Government (General) Regulation 2005, and subject to contractual negotiations being finalised to the reasonable satisfaction of the General Manager, Fleetwood Urban Pty Ltd be accepted as the successful tenderer for T2017-11 Malabar Headland Coastal Walkway, for a lump sum of \$1,373,628.85 excluding GST;
- b) the General Manager, or delegated representative, be authorised to enter into a contract on behalf of Council; and
- c) unsuccessful tenderers are notified.

**MOTION: (Smith/Stavrinos) CARRIED UNANIMOUSLY - SEE RESOLUTION.**

**GM3/17 Confidential - Land & Environment Court Appeal for Newmarket Green Development - 150-174 Barker St & 181 Botany St & 1-7, 18-21 Jane St & 8-20, 28-42 Young St, Randwick (DA/88/2016) (DA/88/2016)**

*This matter is considered to be confidential under Section 10A(2) (g) Of the Local Government Act, as it deals with advice concerning litigation, or advice that would otherwise be privileged from production in legal proceedings on the ground of legal professional privilege.*

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Note: Having previously declared an interest, Cr Moore left the chamber and took no part in the debate or voting on this matter.

62/17 **RESOLUTION: (Stavrinos/Nash)** that Council enter into a S34 Agreement in respect to the appeal before the Land & Environment Court for the Newmarket Green site, on the basis of building envelope plan DA02.012(A) and the letter of offer from Cbus Property Pty Ltd. dated 21 March 2017 that includes the provision of 1.5% affordable housing on the site to be dedicated to Council, and the transfer to Council of the existing Big Stable building as well as the transfer of the proposed park & roads.

**MOTION: (Stavrinos/Nash) CARRIED UNANIMOUSLY - SEE RESOLUTION..**

### **Open Session**

The meeting moved back into open session.

### **Notice of Rescission Motions**

**NR1/17 Notice of Rescission Motion - Notice of Rescission Motion Submitted by Crs Smith, Seng and Roberts - Acknowledgement of the Support of Local Democracy (Notice of Motion from Cr Neilson) (F2016/04003)**

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**MOTION: (Smith/Seng)** that the resolution passed at the Ordinary Council meeting held on Tuesday 28 February 2017 in relation to NM14/17 and reading as follows:

“(Neilson/Bowen) that Randwick City Council commends Woollahra Council for its fight to save local democracy for its residents and;

- a) inform Woollahra Council and the NSW Premier, Gladys Berijikian, and the Minister for Local Government, Gabrielle Upton, of this Councils acknowledgement of the support of local democracy; and
- b) send a framed Certificate of Merit designed by our Communications team to Woollahra Council.”

BE AND IS HEREBY RESCINDED. **LOST.**

**NR2/17 Notice of Rescission Motion - Notice of Rescission Motion Submitted by Crs Matson, Shurey and Roberts - Light Rail Capacity - Call for Commission of Inquiry (Notice of Motion from Cr Bowen) (F2013/00263)**

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**MOTION: (Matson/Shurey)** that the resolution passed at the Ordinary Council meeting held on Tuesday 28 February 2017 in relation to Item NM10/17 and reading as follows:

“(Bowen/Moore) that:

- a) Council notes the EMM report Anzac Parade Corridor future light Rail station and system capacity (dated 20 January 2017) analysis states:  
  
*6.1 It is a significant concern that the proposed Light Rail system capacity will actually be lower than the capacity of the existing peak hour bus services which are currently using Anzac Parade and Todman Avenue and the future corridor public transport system will effectively be operating at full capacity from the commencement of operations in 2019. This will require a significant number of existing peak hourly bus services (mainly the existing express bus service) to be retained if the system is to provide adequate public transport capacity for all the relevant areas of Randwick LGA in the future;*
- b) Council further notes Randwick Council has committed to support the light rail project through the development agreement requiring expenditure of \$69M of Randwick Council funds;
- c) Council further notes community anger at the destruction of the local environment of Randwick LGA, including the route re-alignment of light rail at Alison Road, Centennial Parklands and the Tree of Knowledge, overall project

cost blow-out and the ongoing concerns about the impact of CSLER project on parking and local businesses, in conjunction with the calls by Urban Taskforce for even greater density along the Anzac Parade corridor; and

- d) as such, Council resolves to immediately call upon the NSW state government to agree to full commission of inquiry into the light rail project with power to receive evidence and investigate fully the costs and benefits of the project.”

BE AND IS HEREBY RESCINDED. **LOST.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Matson	Councillor Andrews
Councillor Nash	Councillor Belleli
Councillor Roberts	Councillor Bowen
Councillor Seng	Councillor D'Souza
Councillor Shurey	Councillor Garcia
Councillor Smith	Councillor Moore
Councillor Stavrinou	Councillor Neilson
	Councillor Stevenson
<b>Total (7)</b>	<b>Total (8)</b>

**NR3/17 Notice of Rescission Motion - Notice of Rescission Motion  
Submitted by Crs Matson, Andrews and Seng - Botany Cemetery  
Expansion Proposal (F2004/07905)**

**MOTION: (Matson/Andrews)** that the resolution passed at the Ordinary Council meeting held on Tuesday 28 February 2017 in relation to Item CP10/17 and reading as follows:

“(Bowen/Belleli) that:

- a) this matter be deferred for a Councillor briefing as it’s a critical issue that needs more consideration; and
- b) detailed information be obtained from all stakeholders as to what is planned to protect all those that are involved.”

BE AND IS HEREBY RESCINDED. **LOST UNANIMOUSLY.**

**NR4/17 Notice of Rescission Motion - Notice of Rescission Motion  
Submitted by Crs Andrews, Roberts and Stavrinou - Temporary  
Alcohol Ban at Dunningham and Goldstein Reserves, Coogee  
(F2005/00834)**

Note: Having previously declared an interest, Cr Smith left the chamber and took no part in the debate or voting on this matter.

**MOTION: (Roberts/Andrews)** that the resolution passed at the Ordinary Council meeting held on Tuesday 28 February 2017 in relation to Item CP9/17 and reading as follows:

“(Matson/Shurey) that Council adopt, for Coogee Beach and its reserves, the current alcohol bans prevailing at nearby Bondi, Bronte and Tamarama beaches as a permanent arrangement.”

BE AND IS HEREBY RESCINDED. **LOST.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Bowen
Councillor Belleli	Councillor D'Souza
Councillor Nash	Councillor Garcia
Councillor Roberts	Councillor Matson
Councillor Stavrinis	Councillor Moore
	Councillor Neilson
	Councillor Seng
	Councillor Shurey
	Councillor Stevenson
<b>Total (5)</b>	<b>Total (9)</b>

**NR5/17 Notice of Rescission Motion - Notice of Rescission Motion  
Submitted by Crs Andrews, Roberts, Seng and Stavrinis - 47  
Maroubra Road, Maroubra (DA/650/2016) (DA/650/2016)**

63/17

**RESOLUTION: (Andrews/Stavrinis)** that the resolution passed at the Planning Committee meeting held on Tuesday 14 March 2017 in relation to Item D22/17 and reading as follows:

“(Garcia/Matson) that the application be deferred for mediation.”

BE AND IS HEREBY RESCINDED.

**MOTION: (Andrews/Stavrinis) CARRIED - SEE RESOLUTION.**

The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor D'Souza
Councillor Belleli	Councillor Garcia
Councillor Bowen	Councillor Matson
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinis	
Councillor Stevenson	
<b>Total (12)</b>	<b>Total (3)</b>

64/17

**RESOLUTION: (Stavrinis/Andrews)** that Council, as the consent authority, grants development consent under Sections 80 and 80A of the Environmental Planning and Assessment Act 1979, as amended, to Development Application No. 650/2016 for the demolition of the existing building and erection of a new two storey attached dual occupancy, at No. 47 Maroubra Road Maroubra, subject to the non standard conditions and the standard conditions contained in the development application compliance report.

**MOTION: (Stavrinis/Andrews) CARRIED - SEE RESOLUTION.**



The **DIVISION** was taken and the names of the Councillors voting FOR and AGAINST were as follows:

<b>FOR</b>	<b>AGAINST</b>
Councillor Andrews	Councillor Garcia
Councillor Belleli	
Councillor Bowen	
Councillor D'Souza	
Councillor Matson	
Councillor Moore	
Councillor Nash	
Councillor Neilson	
Councillor Roberts	
Councillor Seng	
Councillor Shurey	
Councillor Smith	
Councillor Stavrinou	
Councillor Stevenson	
<b>Total (14)</b>	<b>Total (1)</b>

A Rescission Motion in relation to Item CP12/17 (Director City Planning Report - 5 Edgecliffe Avenue, South Coogee) was submitted by Councillors Andrews, Garcia and Stevenson in accordance with Council's Code of Meeting Practice and will be considered at the Planning Committee Meeting to be held on 11<sup>th</sup> April, 2017.

There being no further business, His Worship the Mayor, Cr D' Souza, declared the meeting closed at 12.16pm.

**The minutes of this meeting were confirmed at the Ordinary Meeting of the Council of the City of Randwick held on Tuesday, 18 April 2017.**

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**CHAIRPERSON**